30-1941 ALABAMA -

Daily World
Atlanta, Georgia

Another Southern Railroad Orders Pullmans For Race

JAN 12 1941

Hailed As Sixth Victory For Southern NAACP Branches

By E. M. GOODE

MOBILE, Ala. — (ANP) — The Southern Conference of NAACP branches achieved its sixth victory in the Southwest fight against Pullman discrimination; when the Missouri Pacific lines advised the movement that reservations from colored people would be accepted for berth space in sleeping cars operating on southern divisions of that system. Official confirmation was made by Thomas T. Riley, assistant to the counsel for trustee of the carrier, in a message to J. L. LeFlore, chairman of the southern NAACP who led the struggle for equal accommodations.

The triumph climaxed two years of incessant pressure brought to bear by the N. A. A. C. P., as the result of failure of Missouri Pacific agents in New Orleans to sell berth space to Miss Ruby Wise and companion, Miss Alice Lemon, Atlanta school teachers, enroute to Houston. The culmination of the case marks the 17th major instance of success attained by the southern conference of branches in the past six years against discriminatory conditions on railroads, bus, steamship and air lines in the South.

Mr. LeFlore urges colored citizens to institute court action against any common carrier refusing to provide equal accommodations for them. He pointed out that the U. S. Supreme court has already ruled that colored travelers are entitled to the same privileges as others. The Illinois Central and Rock Island railroads are listed by the southern N. A. A. C. P. chairman as remaining hostile toward the travel rights of Negroes, despite the Arthur W. Mitchell case in which they are involved. This case is now before the supreme court. The Frisco system is also being investigated by the NAACP movement.

Chicago Bee
Chicago, Illinois

JAN 19 1941

ALA. NAACP WINS OUT IN PULLMAN CASE

By E. M. GOODE

MOBILE, Ala., Jan. 16—(ANP)—The Southern Conference of N. A. A. C. P. branches achieved its sixth victory in the Southwide fight against Pullman discrimination, when the Missouri Pacific lines advised the movement that reservations from colored people would be accepted for berth space in sleeping cars operating on southern divisions of that system.

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New York Age
New York, N. Y.

SOUTHERN RAILROAD GIVES IN

MOBILE, Ala.—The Southern conference of NAACP branches scored its eighth victory over Pullman discrimination on southern railroads when the Gulf, Mobile and Ohio system advised the Interstate Commerce Commission recently that berth occupancy in bed rooms at regular berth rates will now be provided for colored passengers in its sleeping cars. The GM & O letter followed an informal complaint filed with the Interstate Commerce commission by J. L. LeFlore of this city, head of the NAACP Southern conference. The complaint charged flagrant violation of the law by the carrier in refusing colored passengers equal sleeping car accommodations.

The letter of the G. M. and O. management was in reply to an informal complaint recently filed with that body by J. L. LeFlore, chairman of the NAACP movement, charging a flagrant violation of law by the carrier in refusing colored passengers equal sleeping car accommodations. A supplementary complaint involving the question of coach discrimination and charging an obvious inferiority in the appointment of such cars for colored passengers, remains before the commission for consideration. The G. M. and O. system operates in seven states, between New Orleans and Jackson, Tenn, and Mobile and St. Louis. It comprises the former Gulf, Mobile and Northern and old Mobile & Ohio.

The NAACP warns that is is believed that several other railroads in the South are continuing to deny colored passengers sleeping car accommodations at regular berth tariffs, despite the recent supreme court decision in the Arthur W. Mitchell case.

Negro Labor News
Houston, Texas

ALABAMA NAACP IS VICTOR IN PULLMAN JIM CROW CASE

MOBILE, Ala. — (ANP) — The Southern Conference of NAACP branches achieved its eighth victory against Pullman discrimination on Southern railroads when the Gulf, Mobile and Ohio system advised the Interstate Commerce Commission several days ago that berth occupancy in bedrooms at regular berth tariffs will be provided for colored passengers in sleeping cars operating over its lines.

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Kansas City, Call
Kansas City, Mo.

Southern N.A.A.C.P. Hi

New Pullman Victory

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30-1941

ALABAMA

Kansas City Call
Kansas City, Mo.

JAN 17 1941

FIGHT OF TWO YEARS ENDS IN SUCCESS

R. R. Abolishes Jim Crow Policy, to Sell Berths to Negroes in Dixie

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The triumph climaxed two years of incessant pressure brought to bear by the N.A.A.C.P., as the result of failure of Missouri-Pacific agents in New Orleans to sell berth space to Miss Ruby Wise and companion, Miss Alice Lemon, Atlanta school teachers, enroute to Houston. The culmination of the case marks the seventeenth major instance of success attained by the Southern Conference of branches in the past six years against discriminatory conditions on railroads, bus, steamship and air lines in the South.

JAN 17 1941

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Journal and Guide
Norfolk, Virginia

Pullman Berths Available to Race Citizens

JAN 18 1941

Sixth Victory In Pullman Fight Won By NAACP

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TEACHERS REFUSED BERTH

JAN 18 1941

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MITCHELL CASE

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Tribune
Philadelphia, Pa.

Ala. NAACP Wins New Pullman Victory

JAN 23 1941

MOBILE, Ala. (ANP)—The Southern Conference of NAACP branches achieved its sixth victory in the Southwide fight against Pullman discrimination, when the Missouri Pacific lines advised the movement that reservations from colored people would be accepted for berth space in sleeping cars operating on southern divisions of that system. Official confirmation was made by Thomas T. Riley, assistant to the counsel for trustee of the carrier, in a message to J. L. LeFlore, chairman of the southern NAACP, who led the struggle for equal accommodations.

Old Ruling Used

These successes were accomplished through exchanges of legal opinions based on the Supreme Court decision in the case of McCabe V. A. T. an S. Ry. Co., 235 U.S. 151.

Mr. LeFlore considers this decision more far-reaching than that handed down in the Mitchell case, although citizens have failed, in many instances, to assert themselves to protect the right thereby given them.

In addition, Mr. LeFlore said, their attacks on inferior coach accommodations, including three complaints to the Interstate Commerce Commission in 1935, have brought definite improvements in that phase of travel.

7 Roads Reformed

Roads which have yielded to the campaign were named as the Southern, Seaboard Air Line, Louisville and Nashville, Atlantic Coast Line, the Nashville, Chattanooga and St. Louis, Southern Pacific and, most recently, Missouri Pacific.

Those still considered obstacles are the Illinois Central, Rock Island, Cotton Belt Line and the Gulf, Mobile and Ohio.

Afro-American
Baltimore, Maryland

Mitchell Not 1st Victor in Jim Crow Car Case

MOBILE, Ala. — Congressman Mitchell's recent Supreme Court victory against Dixie's jim crow railroad practices was neither the first nor the most far-reaching, according to J. L. LeFlore, chairman of the Regional Conference of Southeren NAACP Branches.

Mr. LeFlore in a statement to the AFRO, cited seven instances in which he and his associates have forced Southern railroads to grant Pullman accommodations to colored passengers, during an intensive fight carried on since 1933. Dining car service was also made available [illegible]

Arkansas Bus Companies Ordered To Improve Accommodations For Race

Courier, Pittsburgh, Pa. FEB 1 1941 30 Ark. FEB 1 1941

PINE BLUFF, Ark., Jan. 30—Bus companies in Arkansas have been ordered to improve waiting room facilities and accommodations for Negro passengers, it was learned this week from T. E. Wood, chief of rates and transportation of the Arkansas Corporation Commission.

The order came following an appeal from the Warren Branch of the NAACP, which complained that Negro bus patrons using the Warren bus station were not receiving proper accommodations.

The Missouri Pacific Transportation Company and the Delta Transportation Company informed the C.N.O. that an investigation would be made.

In a statement issued last week, the C.N.O. declared that "the fight for equal accommodations has just begun."

N. A. A. C. P. BACKS FIGHT

The Warren Branch of the N. A. A. C. P. is backing the fight for equal accomodations, under the leadership of its president, Dr. J. A. White, Warren physician. Dr. H. H. Rhinehart, prominent physician, serves the branch, the largest in Arkansas, with over two hundred members, as chairman of the executive board.

Pittsburgh Courier
Pittsburgh, Pa.

ASK ICC TO ORDER EQUAL FACILITIES AT ARK. BUS DEPOTS

PINE BLUFF, Ark., July 17—The Committee on Negro Organization will file a formal petition with the Bureau of Motor Carriers of the Interstate Commerce Commission for equal waiting room accommodations and facilities for Negro unless immediate action is taken by bus companies using the station to revise present construction plans, according to an announcement made by W. Harold Flowers, C. N. O. secretary.

IMPROVEMENTS UNSATISFACTORY

An investigation made by the C. N. O. reveals that the present improvements which were made as a result of recent complaints of a patron at Warren, Arkansas, filed with four bus companies, the Arkansas Corporation Commission, and the Interstate Commerce Commission are entirely unsatisfactory. The report of the C. N. O. investigator describes the waiting room as:

"One room, 12 x 12, with side entrance by way of alley; floor dirty and spotted with paint; one small rest room (toilet) to be used by both men and females; no ventilation, as there are no windows in the room; room dark and lighting poor; position of room, next to kitchen, with door leading from kitchen directly into waiting room, causing room to be unbearably hot; and two discarded cane chairs constitute the seating capacity."

REQUEST FOR AID FILED WITH I. C. C.

In a letter to W. Y. Banning, director, Bureau of Motor Carriers, Interstate Commerce Commission, Flowers, asked for the assistance of the Commission in determining the responsibility of the bus companies in providing equal accommodations for Negro bus patrons.

Letters protesting the present facilities were sent the bus companies, the Arkansas Corporation Commission, which has jurisdiction over bus and railroad companies doing business in Arkansas, and to the I. C. C.

30-1941 D.C.

Pittsburgh Courier
Pittsburgh, Pa.

SOUTHERN TRAINS ALLOTS SEATS IN COMBINATION CAR

WASHINGTON, D. C., July 31—(ANP)—Alarmed over the situation resulting from Congressman Mitchell's suit against the Rock Island Railroad, in which he won a decision vitally important to Negroes, railroads operating from New York to Florida and points south along the Eastern seaboard are taking steps to prevent "embarrassment and trouble" between the races.

This is especially true on the crack streamliner trains operating on these roads. Individual seats have to be purchased in advance and as all of the seats are numbered, the accommodations for Negroes are quickly disposed of, frequently resulting in congestion all along the way.

To eliminate this, it is reported that two of the roads are selling streamliner seats to Negroes from Northern points only as far as Washington. From Washington south, the "jim-crow law prevails and sales are limited to the 20 seats in the combination "jim-crow" baggage-dormitory car attached next to the engine.

WHITES RIDE IN COMFORT

On a recent trip north, more than 30 colored travelers were left at the railroad stations along the route because there were no accommodations aboard the train for them, although they had been sold tickets for seats on the train.

Running a faster schedule, being more modern and convenient in all equipment, the popularity of these trains is shown by the increase in their number on the two main eastern trains operating in the south.

In an effort to relieve the situation, report has it that the companies are adding an extra car of the old style, attached in front of the baggage car for the exclusive use of Negro patrons. While the additional cars are clean when attached to the train, they are not an integral part of the Streamliners and made odd additions to the train.

Unable to cope with the situation and fight it, the Negroes are forced to accept the railroads decisions in these matters and if they want to travel, they must use these cars. Meanwhile, the whites are riding in the luxurious comfort of the new cars, with plenty of space available and not in use.

Tribune.
Philadelphia, Pa.

Avoids Later Disturbance Of Race Clients

So Says Pennsy Railroad On Jim-Crow Practices In North

NEW YORK, N. Y.—The Pennsylvania Railroad company through C. G. Pennington, general passenger agent, "used "convenience" as its excuse for segregating Negro passengers in streamliners north of Washington, D. C.

In answer to the NAACP letter of July 23, protesting placement of colored passengers in segregated coaches in PRR streamliners running from New York to Washington and points south, Pennington admitted that Negroes are given reservations only in one coach reserved for them "in order that colored passengers destined to points south of Washington will not be disturbed."

In a follow-up letter the NAACP expressed full appreciation of the difficulties brought about by jim-crow statutes, but pointed out that there is no reason to use jim-crow tactics in states where there are not only no segregation laws, but where there are civil rights statutes preventing segregation.

The NAACP again requested that the PRR abolish the policy of segregation in their coaches and stated that it will await further word from the railroad company before taking the matter up with the Interstate Commerce Commission.

Pittsburgh Courie
Pittsburgh, Pa.

Pa. R. R. Policy Is Flayed

Uses "Convenience" As Excuse for Jim Crow North of Washington.

NEW YORK, Aug. 7.—The Pennsylvania Railroad Company, through C. G. Pennington, general passenger agent, used "convenience" as its excuse for segregating Negro passengers in streamliners north of Washington, D.C.

In answer to the N.A.A.C.P. letter of July 23, protesting placement of colored passengers in segregated coaches in P. R. R. streamliners running from New York to Washington and points south, Pennington admitted that Negroes are given reservations only in one coach reserved for them "in order that colored passengers destined to points south of Washington will not be disturbed."

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RAILROAD USES "CONVENIENCE" AS EXCUSE FOR JIM CROW NORTH OF WASHINGTON

New York, N. Y.—The Pennsylvania Railroad company thru C. G. Pennington, general passenger agent, used 'convenience' as its excuse for segregating Negro passengers in streamliners north of Washington, D. C.

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Star of Zion
Charlotte, N. C.

JIM CROW IN NEW YORK ON SOUTHBOUND TRAINS IS PROTESTED BY N.A.A.C.P.

NEW YORK, N. Y.— The new streamlined, all-coach trains from New York to southern cities have brought in a system whereby Negro passengers are segregated north of Washington, D.C., just as they are in the states having jim crow car laws.

The jim crowing of Negro passengers on these trains hauled by the Pennsylvania railroad north of Washington has been vigorously protested by the N.A.A.C.P. in a letter to A. H. Shaw, general passenger agent of the Pennsylvania.

On the streamlined New York-Florida [illegible] and on the new New York-New Orleans streamliner, the Southerner, all seats must be reserved in advance. Negro passengers are sold reserved seats only in the No. 1 coach of the train which, as usual, is nearest the engine.

As long as the train is north of Washington, Negro passengers are free to use the club, dining, and observation cars at will; but as soon as the train leaves Washington, they must remain in their segregated coach.

The N.A.A.C.P. protest pointed out that Negroes are not required by law to ride in separate coaches north of Washington, and that, therefore, the practice of restricting their reservations on these trains to one car out of New York is illegal. The N.A.A.C.P. letter said that protests and complaints to its office in New York, and its office in Chicago, where the practice is in vogue on Chicago-Florida streamliners, had grown in volume and that "unless something is done by the railroads themselves some action will have to be taken in behalf of Negro travelers."

The latest N.A.A.C.P. protest on this practice was occasioned by a complaint from a colored man who sought a seat reservation to Atlanta by telephone and was told that the train was sold out except in car S-1. He told the reservation clerk that he would take a seat in S-1. The clerk, thinking he was white, told him that was the "colored coach." and he could not sit there.

The N.A.A.C.P. letter pointed out that even though these streamliners are new and have the same car construction throughout they do not furnish exactly equal facilities for Negro and white passengers. For example, on the Atlantic Coastline streamliner, the Champion, to Miami, Negroes are assigned a half-coach ahead of the baggage car. In the white coaches on the same train there is a lounge room for women at one end of the car, and a smoking room for men, but in the colored coach, there is only a lavatory for men, and another for women.

The N.A.A.C.P. also raised the question of the denial of equal accommodations upon these streamlin[illegible]

Kansas City Call
Kansas City, Mo.

Edgar G. Brown Sues After Service Denied In National Aircraft

Asks $10,000 From Department of Commerce, CAA and Cafe Operator; First D. C. Civil Rights Suit

WASHINGTON, D. C. (ANP).—Charging that the new national airport recently opened for plane service to and from the capitol, was guilty of racial discrimination in its dining room, Edgar G. Brown, president of the United Government Employes, has taken the matter up with officials of the C.A.A., demanding settlement of the moot question. He has also startled a civil suit.

Mr. Brown arrived in Washington late one night from Detroit. The plane on which he was traveling was the only one on the flight which did not serve refreshments for passengers.

Arriving in port, Mr. Brown felt the need for coffee and walked into the cafeteria where he staged a one-man sitdown strike. He was told he could get service downstairs with the help.

It had been previously reported that another government employe had taken a party to the airport for dinner—the custom in the past has been to take such parties to the Union station for a treat—but with the opening of the new airport colored folk felt they had a new rendezvous and promptly started using it.

Suit, in the sum of $10,000, against the department of commerce, Civil Aeronautics authority, the operator of the cafe and all concerned was instituted by Mr. Brown, who retained Atty. Belford V. Lawson to represent him. It is the first civil rights suit filed here since 1868.

It has not as yet been established whether or not the new airport is in the District of Columbia or Columbia or under the jurisdiction of the state of Virginia. Newly-constructed, this is supposed to be one of the finest airports in the world, and was built with funds supplied by the federal government. It had previously been reported that no discrimination would be practiced at this airport since it was under the supervision of the department of commerce and directly to the C.A.A.

30-1941 FLORIDA

Pittsburgh Courier
Pittsburgh, Pa.

Steward Seeks To Jim-Crow Negro Passengers On Ocean

AUG 23 1941

HAVANA, Aug. 21.—(By Jesse O. Thomas for ANP)—"Does the Florida law extend across the Atlantic ocean?" asked Dr. B. E. Mays, president of Morehouse College of the second steward of the Florida steamship.

About an hour after the Florida had set sail from Miami for Havana and in response to the call to dinner, the Mays and Thomas families approached the entrance to the dining room, at 7:30 p.m., where they were met by the first and second stewards. These stewards advised the party that they would have to wait until a quarter of nine to give all the white guests an opportunity to be served.

"This boat sails from Miami and is operated under the Florida law" said one steward. "We are not in Florida now," was the protest. "How far does the Florida law extend into the Atlantic ocean? If we were sailing for Havana, would that law still apply?"

The steward affirmed that, whether the ship were sailing from Miami or Havana, Negroes and white passengers would be segregated into the dining hall. "You may be served at a quarter of nine in the dining room or I'll serve you now in your state room."

Both propositions were refused. We then suggested that a table be set up on the deck for our convenience immediately. The stewards first refused on the ground that if other passengers saw our party being served on deck, every person on ship would insist on this type of service. Through persistence our meal was served on deck. On the following morning when breakfast was announced we were invited into the regular dining hall where and when all the other passengers were being served.

AUG 23 1941

A colored person traveling by land or sea at home or abroad has no guarantee that "Mr. Jim Crow" may not raise his ugly head as a reminder of the differentials which characterize the American social pattern. The experience, however, emphasizes the importance of "not taking it lying

30-1941

GENERAL

Amsterdam News
New York, N. Y.

They Defied Southern Jim Crow

DEC 13 1941

Miss Susie Jerideau, left, of 343 W. 118th Street, a milliner, and Miss Dorothy Thomas Harris, secretary to the manager of the Theresa Hotel, telling J. Robert Smith, of the Star-News, how they battled railroad porters, conductors and policemen in their efforts to make them move up into a Jim-Crow coach after leaving Washington en route to Charleston, S. C. After being accosted in Washington and Richmond by railroad men, and a police sergeant in Petersburg, Va., the ladies held to their seats and succeeded in reaching their destination DEC 13 1941 and without fear after being threatened with arrests and with being kicked off the train.

Pittsburgh Courier
Pittsburgh, Pa.

DEC 27 1941

SOUTHERN SAY-SO

BY M. S. STUART

30

IN YOUR OWN CAR, BRO. JIM CROW IS WITH YOU ON THE HIGHWAY

DEC 27 1941

IT SEEMS that it is impossible to escape all of the cruelties of "jim crow" on a trip of long duration in our Democracy even if you drive in your own car.

At least two of the characters in a trip, the description of which is now about to be attempted for you, may serve in contrast, because of their prominence, to bring out the ridiculousness of some of the petty practices of racial discrimination. The other two, and much of the matter leading up to the points intended to be emphasized, may be endured as unavoidably necessary, despite the obvious irrelevance.

AMERICANS OF NOTE AND UNSOPHISTICATION

First, Roscoe Dunjee of Oklahoma City, veteran editor and aggressive foe of racial prejudice, turns up in Memphis looking thoroughly "jim-crowed" and subdued after traveling 489 miles in "the Colored Special" on the Rock Island. Don't forget the Rock Island. That's the road Congressman Mitchell successfully sued for "jim-crowing" a part of Uncle Sam's largest law-making body. It runs through the middle of Oklahoma. It is hard to get out of that State east or west by train except on it. Even yet its operators, despite the Supreme Court decision against them, are wedded to their idols of prejudice. Negroes in Oklahoma find it hard to get Pullman accommodations. Even the belligerent Dunjee could not; and he rode the Rock Island because he had to. He is on his way to Tuskegee to attend a meeting of the steering committee of the National Negro Business League. In Memphis he is joined by the President of that organization and your columnist. From this point the trip is by automobile, Charles Luster driving.

LUSTER IS A character, a walking expression of obviousness and unsophistication. The trip starts at noon on the Sunday which will loom large in the histories of the future, because of Pearl Harbor and Japanese treachery.

Dunjee is concerned about driving through Mississippi. Luster says, "everything will be alright if you don't have any trouble with the white people." Dunjee betrayed no symptons of consolation from that wise remark. He has never been off the train in Mississippi. He says he is not scared.

DEC 27 1941

SOON WE reach Marshall County —this part of it eaten to the bone with erosion. The red gullies, the scraggy, yellow clay spikes stud the view on either side of the highway. Dunjee, rabid New Dealer, raves about the spectacle. He says there is no land like this in Oklahoma. Luster says if the rain had not washed it away so badly, this land would be better, too. Dunjee surrenders to the profundity of that logic.

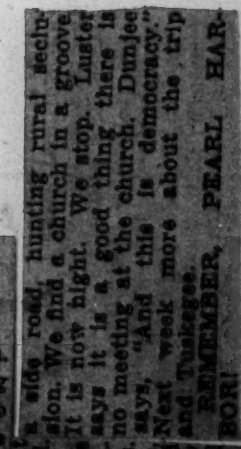
Dr. Walker is anxious about getting to Birmingham before dark; and Luster informs him that if we had started earlier, we probably would get there earlier. While silently syllogyzing the soundness of this sapience, we suddenly find ourselves, appropriately enough, between (not within) college walls. We are entering Holly Springs, erstwhile seat of Negro learning—Rust College on the left and Mississippi Industrial on the right—with nothing between them physically but the highway. They are reminders of religious rivalry of other days. Rust has received most of its support from the Methodist Episcopals, M. I. from the Colored Methodist Episcopals.

Mr. Stuart

CONVENIENCES UNAVAILABLE

DEC 27 1941

Dunjee wants to send a telegram. He says none of the towns along here look friendly enough to stop in. He thinks Alabama may be a shade more liberal. Here's Hamilton, a court house, no telegraph office. By now we are getting interested in rest rooms. None along here open to our kind. Luster says it would be better for us if they had accommodations for Colored people. We watch for a railroad town, hoping to find both the telegraph office and a rest room at the depot. We come to the depot in Wingfield. Telegraph office, but rest room obsolete and bankrupt. Dr. Walker gets out to send the wire. A loafing, tieless, tobacco-smeared, wizened, rough-dried, weather beaten, quilted-neck "peckerwood" gruffly accosts the President of the National Ne-



hunting rural seclusion. What a side road, a church in a grove to be ignored with. We find a church in a grove slon. We find a church in a grove. It is now night. We stop. Luster says it is a good thing there is no meeting at the church. Dunjee says, "And this is democracy." privateness are out everywhere, says, "Next week more about the trip natives are out everywhere, says, "Next week more about the trip gully, nook and Tuskegee. We all now REMEMBER, PEARL HARBOR!

30-1941

GENERAL

Anniston, Ala Star
February 16, 1941

New Jim Crow Agitation

(Editorial Research Reports)

Legislatures of several states have been asked at their 1941 sessions to consider measures dealing with race discrimination. Assemblyman Andrews of the Harlem district of Manhattan has introduced several bills in the New York Assembly to forbid discrimination in employment between Negroes and whites on jobs in which the state has an interest. The measures would prohibit such discrimination on contract jobs with state or municipal corporations, or in the civil service. One of the measures would forbid the signing of a closed shop contract by any utility company with any labor organization which discriminates against Negroes.

Senator Levy of Manhattan has presented a bill in the New York State Senate to prohibit any public utility or any firm engaged in work under the defense program from discriminating against any employee because of race, creed or color. In the Maryland Assembly, Representative Rubenstein of Baltimore is sponsoring a bill to repeal the state's "Jim Crow" law.

Since about 1875, nearly all the Southern states have enacted laws (Jim Crow laws) which require the segregation of Negroes and whites in public conveyances. In three states, Arkansas, Oklahoma, and Texas, the laws make it a misdemeanor for a railroad to allow Negroes to ride in the same coaches with whites unless the two groups of passengers are separated by a partition. Such discrimination against Negroes as exists on public transportation systems in the North is usually based on company regulations rather than state statutes.

Jim Crow laws have generally been upheld by federal and state courts provided that equal accommodations are made available to both races.

The United States Supreme Court has tentatively agreed during its present term to review a recent Jim Crow decision of the Federal District Court of Northern Illinois. The district court refused to award damages to United States Representative Mitchell of Chicago, only Negro member of Congress, because he was forced in Arkansas to ride in a low-class Jim Crow car of the Rock Island Railroad despite the fact that he held a Pullman ticket. Mitchell had sued for $50,000. The Interstate Commerce Commission previously rejected a petition by Mitchell that it require the Rock Island Railroad to provide Pullman accommodations for Negroes on equal terms with whites.

To implement the 14th (equal rights) amendment to the Constitution, Congress in 1875 enacted a civil rights law which declared that all persons should be entitled to the full and equal enjoyment of the accomodations, advantages, and privileges of hotels, restaurants, theaters, and other public places, as well as public conveyances, subject only to laws applying alike to citizens of every race and color. The Supreme Court in 1883 invalidated this civil rights act on the ground that the 14th amendment applied only to state laws and acts done under them, not to acts of individual private enterprises.

Since the 1883 decision precluded further federal guarantees of equal accomodations, most of the Northern states enacted laws modeled after the invalidated federal statute. Under the terms of these state civil rights acts, race discrimination by operators of public places or conveyances is made a misdemeanor punishable by fines of from $5 to $500 or by imprisonment. For the most part, however, these laws have failed to achieve their purpose and are seldom invoked. In states where court interpretations and unsympathetic administration have not rendered them ineffective, evasion of the laws is widespread. Civil rights laws were enacted in several Southern states during the Reconstruction period, but all were later repealed.

Washington Tribune
Washington, D. C.

Decision Awaited

JAN 4 1941

The agreement of the Supreme Court to review a case involving the legality of jim crow facilities for railroad passengers has aroused national interest. The momentous decision is eagerly awaited. Meanwhile one man's guess as to the outcome of review is as good as another's. There is a division in thought. Encouraged by recent liberal decisions handed down by that tribunal, some are encouraged to hope for a ruling in favor of the appellant, Representative Mitchell.

Such action would so thoroughly upset the Southern way of life that it is doubtful if even the most conscentious majority of the nine justices would start anything so revolutionary now. The nation cries for national unity but even in the present emergency the color bar is still up in many federal and prvate enterprises and new barriers are being erected in others. The administration has spoken with reference to the civil service. Will it follow through with faithful adherence to the letter of its own law? Does it want "national unity" or desire merely to use it as a timely catchphrase?

JAN 4 1941

If there is ever to be national unity jim-crow in every form must be abolished. It does not require the wisdom of a Supreme Court justice to reach that conclusion. But will those nine distinguished gentlemen express such liberalism at this time? Their decision will be far-reaching.

Star of Zion
Charlotte, N. C.

Zion Leaders Enjoy Pullman In Deep South

By REV. D. F. MARTINEZ

MEMPHIS, Tenn., April 30.—Around 7:45 a.m., Wednesday, April 29th, the Frisco Lines pulled in its morning train from Birmingham, Ala., Atlanta, Ga., and other points in the beautiful Grand Central Station in this Memphis metropolis, made famous by "Ole Man River" on the Mississippi where Handy wrote his lines of life about this Dixie city "The St. Louis Blues," proving how even against opposition and persecution the souls of black folk give music, came two outstanding Negro leaders to attend church business in Pullman. This shouldn't be any particular news, but it is big news, when Bishop Benjamin Garland Shaw, D.D., of the great A.M.E.Z. Church, the church of Frederick Douglas and Mr. Oscar Adams, Church Extension Secretary of the same denomination, took advantage of their citizenship rights the very next day following a far-reaching United States Supreme Court decision, in the case of Arthur W. Mitchell, lone Congressman in the House of Representatives, who successfully fought discrimination, humiliation, and public discrimination, practiced by railroad companies, and other public carriers of passengers to the end that Chief Justice Charles Evans Hughes, himself, rendered the decision that Negro passengers may have separate places, but the interstate-law, the law of American Democracy, demands unequivocally equal accommodation. All Negroes traveling should make definite preparation to enjoy from now on the facilities made assured by this historic decision of the nation's highest court.

MAY 3 1941

Afro-American
Baltimore, Maryland

Editors, Going to England, Jim Crowed in Bermuda

NOV 22 1941

LONDON, (ANP). — Charges were made Tuesday by Rudolph Dunbar, London editor of ANP, that six editors from the West Indies were refused accommodations in Bermuda when the Pan-American clipper made an overnight stop there because of unfavorable weather.

The editors were being brought here by the British government to learn about the war effort. Hotels were said to have refused to provide accommodations, saying that "American guests wouldn't like it." Several prominent colored persons opened their homes to the group.

According to Ralph Mentor, editor of Vanguard and member of the party, discrimination against colored members began immediately after the plane had landed at the airport, when immigration and customs officials checked passports of white members of the party first.

It was said that when Governor Lord Knollys heard about the incident he dispatched a formal apology from the camp to the group the following morning, just as the group was beginning the last leg of the journey.

Amsterdam News
New York, N. Y.

Victorious in Discrimination Case Against Southern Railway

Triumphs in Bias Case

Philip J. Jones, former Assistant Attorney General of New York State, is fotoed above congratulating Curtis Coffey on his victory over the Southern Railroad Company in sensational discrimination case. (See story above).

Philip J. Jones, former assistant attorney general of New York State, triumphed this week in the Coffey discrimination case against the Southern Railroad Company in the United States Court.

The bias charges resulted from the alleged actions on the part of conductors and waiters toward Curtis Coffey, a Brooklyn Navy Yard employee who lives at 39 McDonough Street, during his roundtrip journey from New York City to New Orleans.

In his complaint, Coffey said that after he had traveled approximately one hour from New Orleans, he became hungry. He said that he attempted to secure his breakfast by asking a waiter who informed him that he would have to ask the conductor.

Coffey further stated that the conductor instead of feeding him, pushed him back in his seat and informed him that he would feed him when he was ready to do so. Coffey said he boarded the train at 8:15 A. M., and was not able to get food until 4:45 that afternoon.

When the case was called on October 10, the attorneys for the defendant agreed to pay Coffey for all damages for such gross discrimination on account of race, creed or color.

Globe and Independent
Nashville, Tenn.

THE FINAL. WE HOPE

What should be the final word in the long controversy between a railroad company and tne Interstate Commerce Commission on one side and Congressman Arthur Mitchell on the other over whether or not a railroad is entitled to furnish Negro Americans the same travel accomodations as it furnishes persons of any other race is the order handed down by the commission on November 19.

This order belatedly given by the commission, advises the Chicago, Rock Island and Pacific Railway until December 24 to cease and desist from practicing "undue prejudice and discrimination" in its travel accomodations.

The Supreme Court of the United States on April 28 of this year "laid down the law" with regard to the long-prevalent racial discriminations practiced aganist colored passengers in interstate travel. The railroads had been able to dodge providing equal accommodations on the plea of being compelled to respect the laws and customs of states which have "Jim Crow" laws on their statute books.

As a result of the "law" of Arkansas forcing Congressman Mitchell to get out of a Pullman car in which he was riding and take a seat in the "Jim Crow" car, a long drawn-out legal battle was waged. The ICC failed to give Congressman Mitchell the relief he sought and the case was finally carried to the highest legal tribunal in the country.

As aforesaid, the Supreme Court ruled in Mr. Mitchell's favor last April. It appears, however, the railroad company had not seen its way clear to obey the Supreme Court's mandate. The ICC appears to have had it brought to its attention that the railroad was not respecting the court and accordingly it has taken positive action.

It is to be hoped that all other railroads will comply with the Supreme Court's decision and the supplementing order of the Interstate Commerce Commission promptly. This will avoid the annoyance colored passengers will be put to in continually appealing to the ICC or the Supreme Court in each case where the law is violated.

Railroads, also, should now understand that the old dodge of "State's Rights" is not now valid as an excuse for allowing colored passengers to be humiliated by Dixie constables. The rights of an interstate passenger transcend the rights of states. That now is the law of the land and with a reactionary Interstate Commerce Commission having decided to obey the law all others concerned should do likewise.

Amsterdam News
New York, N. Y.

Ruling Hits Jim Crow Trains . . .

The Interstate Commerce Commission last week ordered the Rock Island Railroad to provide "substantially equal" accommodation for first class white and Negro passengers between Chicago and Hot Springs.

Specifically the new order decrees that on or before December 24, 1941, and thereafter the Rock Island and the Pullman Company must cease and desist from practicing the undue prejudice and undue preference found in said report to exist.

The action had its basis in the case of Mitchell against the Rock Island Railroad and the Pullman Company in which the Illinois congressman charged before the Interstate Commerce Commission that he had been denied first class accommodations because of his color in violation to the Commerce Commission act.

In the first action before the commission the ruling was against the petitioner; later in an Illinois federal court the decision of the commission was upheld, but the U. S. Supreme Court in April this year reversed the ruling and decided in favor of the congressman.

Under the new order any person riding on a carrier engaged in interstate traffic is entitled to accommodation equal to any provided on the carrier. While the ruling directly affected the Rock Island Railroad, it is applicable as a test case to all other railroads operating interstate. Negroes traveling from state to state may still be forced to ride Jim Crow, but we urge that they demand that their Jim Crow accommodations shall be equal to the accommodation provided for other passengers. This may be the opening wedge for the ultimate end of the Jim Crow car . . . . it may prove too expensive to provide a separate diner, a separate club car, a separate lounge and a separate sleeping car for two or three passengers.

30-1941

General

Protest Jim-Crow Signs On Missouri Pacific R.R. Cars

Courier, Pittsburgh Pa.

FEB 1 1941 FEB 1 1941

ST. LOUIS, Jan. 30.—Two jim crow actions of much importance in the state of Missouri came in for a bludgeoning and decisive condemnation at the January meeting of the St. Louis branch of the National Association for the Advancement of Colored People here last week.

One of these was the passage of a resolution opposing the creation of the $65,000 jim crow School of Journalism for Lincoln University, a measure introduced in the state assembly recently in an effort to prevent Negroes from attending the famous School of Journalism at the University of Missouri, an institution rated as outstanding in its training for newspaper work. The St. Louis branch, it will be recalled, with the Kansas City branch is backing the fight of Miss Lucille Bluford, honor journalism graduate of the University of Kansas and editor of the Kansas City Call to enroll in her own state school for further training in her specialty.

The other act came when a resolution was passed asking Negroes to effectively protest the attitude of the Missouri Pacific in permitting jim crow signs to remain in the first passenger coaches on their south and north bound trains while in the state of Missouri by letting their patronage reflect their attitude. Immediate removal of the obnoxious signs is the objective.

Attorney S. R. Redmond, president of the local branch, in discussing the signs asserted that the Missouri Pacific, although contacted on the matter, has persisted in displaying the "FOR COLORED" signs in the front coach and that Missouri Pacific officials have refused to do anything about it, stating that the signs are placed there for the convenience of their colored patrons and that these patrons highly appreciate the signs.

The Public Service Commission of Missouri, appealed to by the NAACP, has refused to take any action. The Missouri commission bases its refusal on the grounds that, although the state has no laws approving jim crowing on the trains within the state of Missouri that the Missouri Pacific trains, travelling from state to state, come within the jurisdiction of the Interstate Commerce commission.

Other features of the meeting included a report by Arnold Walker, industrial secretary of the Urban League on the status of jobs for Negroes in defense industries; by Fred Jones of the unbelievably unhealthful, insanitary conditions prevailing in the area surrounding the site of the current low cost housing project; a resume by Elmer Mosee on obstacles facing Negroes desiring to enter the armed forces and a discussion of the poll being made as to whether or not Vashon High School should be converted into a vocational or technical school.

Afro-American
Baltimore, Maryland

U.S. Solicitor Demands End of Railroad J. C.

MAR 15 1941

WASHINGTON

Solicitor General Francis Biddle, representing the Justice Department, told the Supreme Court, Thursday, that railroads should give colored people traveling from one State to another accommodations equal to those provided for white persons.

The government's contention was made in a brief filed in connection with the suit brought by Representative Arthur W. Mitchell (Dem., Ill.), lone colored Congressman, who charged that he was "forcibly ejected" from a Pullman car in Arkansas while en route from Chicago to Hot Springs in 1937.

Says Commission Erred

Explaining to the high tribunal that the Interstate Commerce Commission which dismissed Mr. Mitchell's petition for equal treatment with white persons did so because of the "comparatively little colored traffic," Mr. Biddle declared.

"This ruling we believe to be erroneous. The Constitution and the Inter-State Commerce Act alike make guaranty of equal treatment one which is personal to each passenger.

"The majority of the commission considered that it was dealing with a question of 'colored traffic.' It was, however, faced instead with an issue of the basic liberties and privileges of citizens."

MAR 15 1941

Arguments advanced in support of Mitchell's appeal included these:

1. The Arkansas jim crow car law does not apply to interstate commerce.
2. The ICC ruling that it does apply was in error.
3. The Federal Court erred in disclaiming jurisdiction over Mitchell's appeal.
4. The Supreme Court cannot ignore the constitutional policy against racial discrimination established in the Thirteenth, Fourteenth and Fifteenth Amendments.

Advertiser
Montgomery, Ala.

Lawson Rallies 10 States To Defend Racial Statutes

MAR 13 1941

He Deems Segregation Laws Endangered In Supreme Court

Discerning a threat to Southern States' statutes for segregation of races on railroads in a case now before the United States Supreme Court, Atty. Gen. T. S. Lawson has invited the attorneys general of 10 sister States to join in filing an amicus curiae brief with the court.

The case originated when Congressman Arthur W. Mitchell, negro representative from Illinois, was compelled to move from a Pullman car when a train on which he was a passenger crossed the Arkansas line. He filed complaint first before the Interstate Commerce Commission, then before a three-judge district court, both of which ruled against him. His appeal to the Supreme Court followed.

A notable feature of the case is that the solicitor general of the United States, in a memorandum filed with the Supreme Court, has agreed with the position taken by Mitchell. This in spite of the fact that the government was one of the parties against whom the complaint was brought.

"The alarming thing to me is that the solicitor general, in his memorandum, has in effect agreed with the position taken by the appellant Mitchell," Atty. Gen. Lawson wrote. He pointed out that in spite of Supreme Court rulings that segregation statutes do not violate the 14th amendment, the solicitor general now argues that such laws can apply only to intrastate transportation of passengers.

Not An Alarmist

While declaring that he had no patience with anyone who purposely aroused racial hatreds, Atty. Gen. Lawson voiced belief that the situation thus created "requires immediate attention on the part of the Southern States."

MAR 13 1941

In his letter to the attorneys general of Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Tennessee, Arkansas and Texas, Mr. Lawson said:

"I have recently learned of a case which is now pending in the Supreme Court of the United States wherein Arthur W. Mitchell is the appellant and the United States of America, the Interstate Commerce Commission, Frank O. Lowden, the trustees of the Chicago, Rock Island and Pacific Railway Company, the Illinois Central Railway Company and the Pullman Company are appellees.

"This case involves the constitutionality of the Arkansas Railroad Segregation Statute, which is of vital importance to all of the Southern States which have similar legislation and, therefore, I am taking the liberty of going into some detail in explaining the matter to you.

MAR 13 1941

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"Congressman Arthur W. Mitchell, of Illinois, a member of the colored race, while travelling from Chicago to Hot Springs, Arkansas, on or about April 21, 1937, was compelled to move from a Pullman car after the train crossed the Arkansas border.

"Shortly thereafter, Congressman Mitchell filed a complaint with the Interstate Commerce Commission charging that the carrier has subjected him to undue and unreasonable prejudice and asked the commission that the carrier be required in the future to cease and desist from such alleged violation of the Interstate Commerce Act and to require such carrier to provide for colored persons holding tickets for first class accommodations from Chicago, Illinois, to Hot Springs, Arkansas, such first class facilities as the commission might deem reasonable.

"The commission dismissed the complaint filed by Mitchell, whereupon he brought suit before a three-judge district court, which court dismissed the cause for lack of jurisdiction.

"Congressman Mitchell was then allowed an appeal and the Supreme Court noted probable jurisdiction on December 16, 1940.

Awaited Copy of Record

"I have not as yet been able to secure a copy of the record, but I hope to have a copy within the next few days. I have succeeded, however, in securing a copy of a memorandum filed on behalf of the United States by the solicitor general. As I have heretofore stated, the United States of America was one of the respondents below and is one of the appellees in the Supreme Court of the United States. The alarming thing to me is that the solicitor general, in his memorandum, has in effect agreed with the position taken by the appellant, Mitchell.

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Chicago Defender
Chicago, Illinois

MOVE AGAINST NEW TRAINS' SEGREGATION

NAACP Warns Railroads Some Action Must Be Taken

NEW YORK. — The new streamlined, all-coach trains from New York to southern cities have brought in a system whereby Negro passengers are segregated north of Washington, D. C., just as they are in the states having jim crow car laws.

The jim crowing of Negro passengers on these trains hauled by the Pennsylvania railroad north of Washington has been vigorously protested by the National Association for the Advancement of Colored People in a letter to A. H. Shaw, general passenger agent of the Pennsylvania.

On the streamlined New York-Florida trains, and on the new New York-New Orleans streamliner, the Southerner, all seats must be reserved in advance. Negro passengers are sold reserved seats only in the number 1 coach of the train which, as usual, is nearest the engine.

As long as the train is north of Washington, Negro passengers are free to use the club, dining, and observation cars at will; but as soon as the train leaves Washington, they must remain in their segregated coach.

The N.A.A.C.P. protest pointed out that Negroes are not required by law to ride in separate coaches north of Washington, and that, therefore, the practice of restricting their reservations on these trains to one car out of New York is illegal.

The N.A.A.C.P. letter said that protests and complaints to its office in New York, and its office in Chicago, where the practice is in vogue on Chicago-Florida streamliners, had grown in volume, and that "unless something is done by the railroads themselves, some action will have to be taken in behalf of Negro travelers."

Journal and Guide
Norfolk, Virginia

Streamlined Trains Face Race Problem

Mitchell Victory Creates Crisis On Southern Lines

WASHINGTON, D. C. — Railroads operating streamlined trains along the eastern seaboard from New York to Florida are facing a problem, created by the victory of Congressman Arthur W. Mitchell over the Rock Island railroad, preventing "embarrassment and trouble" between the races.

Individual seats have to be purchased in advance and as all of the seats are numbered, the accommodations for Negroes are quickly disposed of, frequently resulting in congestion all along the way.

JIM CROW AT WASHINGTON

To eliminate this, it is reported that two of the roads are selling streamliner seats to Negroes from northern points only as far as Washington. From Washington south, the jim-crow law prevails and sales are limited to the twenty seats in the combination "jim-crow" baggage-dormitory car attached next to the engine.

On a recent trip north, more than 30 colored travelers were left at the railroad stations along the route because there were no accommodations aboard the train for them, although they had been sold tickets for seats on the train.

USE OLD CARS

In an effort to relieve the situation, report has it that the companies are adding an extra car of the old style, attached in front of the baggage car for the exclusive use of Negro patrons. While the additional cars are clean when attached to the train, they are not an integral part of the streamliners and make odd additions to the train.

Unable to cope with the situation and fight it, colored travelers are forced to accept the railroads' decisions in these matters, and if they want to travel, they must use these cars. Meanwhile, the whites are riding in the luxurious comfort of the new cars, with plenty of space available and not in use.

New York Age
New York, N. Y.

Charge Railroad Uses "Convenience" As Excuse For Jim Crow North Of Washington

The Pennsylvania Railroad Company through, C. G. Pennington, general passenger agent, used "convenience" as its excuse for segregating Negro passengers in streamliners north of Washington, D. C.

In answer to the NAACP letter of July 23, protesting placement of colored passengers in segregated coaches on PRR streamliners running from New York to Washington and points south, Pennington admitted that Negroes are given reservations only in one coach reserved for them "in order that colored passengers destined to points south of Washington will not be disturbed."

In a follow-up letter the NAACP expressed full appreciation of the difficulties brought about by jim-crow statutes, but pointed out that there is no reason to use jim-crow tactics in states where there are not only no segregation laws, but where there are civil rights statutes preventing segregation.

The NAACP again requested that the PRR abolish the policy of segregation in their coaches and stated that it will await further words from the railroad company before taking the matter up with the Interstate Commerce Commission.

Christian Recorder
Philadelphia, Pa.

EXIT JAMES CROW

Jim Crow on rail road trains in the Christian South has made its exit. White conductors refuse to ride with their white passengers but insist upon occupying a double seat where they can be with Negroes. They clamor for seats even when the car is crowded; and sit if Negroes have to stand. White trainmen also delight to sit amongst the people of color. These white conductors and trainmen use the same toilets as Colored passengers. White passengers very frequently walk thru the coach for Negroes. The news butcher takes his place among them. When Negroes go into the dining car they pass thru the cars occupied by whites. They walk thru the diner and permit the whites to sit forward. Yes, James Crow has made its exit.

Telegraph
Macon, Georgia

Negro School Compromise Being Sought

MAR 20 1941

In an effort to bring about a compromise on the amount of money to be appropriated for operation of the training school for Negro girls here, the house of representatives yesterday appointed a committee to confer with senate leaders.

The house recently passed a bill appropriating $15,000 for operation of the school until July 1, and $20,000 each year thereafter.

MAR 20 1941

The senate, however, passed an amendment offered by Senator Rowland, Wrightsville, which changed allocations for the school to the following schedule: between now and July 1, $10,000; for the next fiscal year, $15,000, and for each fiscal year thereafter, $20,000.

Under normal procedure, the bill, as amended by the senate, would be returned to the house, for action. Through appointment of the committee, however, the house hopes to work out a compromise by which both the house and the senate will approve the same expenditure, to speed final passage of the measure.

The brick school house was constructed several years ago, but has never been used due to lack of money for operation. It is located on the Camp Wheeler road.

Pittsburgh Courier
Pittsburgh, Pa.

BLUE BUSES FOR WHITES; DIRTY BROWN FOR NEGROES

JUN 28 1941

FORT BENNING, Ga., June 26—Colored visitors to Fort Benning need never be in any doubt as to which buses are to be used for colored passengers and which are for white passengers between this post and the city of Columbus.

The old dirty brown buses are for colored passengers. The new blue buses are for white passengers. That is now they work out separate but equal accommodations.

Of course, the colored passengers pay the same fare to ride in the old buses as the white passengers pay to ride in the new buses.

Constitution
Atlanta, Georgia

Negroes Said Seen in Hotel Near Toccoa

AUG 29 1941

Governor Told Delegate To Press Meeting Saw Couple.

The Governor said yesterday he had been informed a woman delegate to the Georgia Press Association in Toccoa last saw a Negro man and a Negro woman in a room in the hotel where the meeting was held.

AUG 29 1941

As soon as the newsmen walked into the chief executive's office yesterday, he held out a letter from C. M. Hitch, of Quitman, describing the alleged incident.

The letter said the Negro couple was reported to have been seen by the woman delegate. It added that she protested to an Atlanta newspaper executive who then warned the hotel manager that a riot might take place unless the couple was removed. Later, the letter said, the Negroes "disappeared" from the hotel.

NEGROES EMPLOYED, HEAD'S WIFE SAYS.

Mrs. R. A. Fisher, wife of the manager of the Lake Louise hotel, said yesterday her husband was in Spartanburg, but that she would be glad to answer any questions. Asked about the report of a Negro man and woman being seen in a hotel room during the GPA meeting, she said that the hotel employed three Negroes in the kitchen, a man and wife, between 25 and 30 years of age, and a woman about 50, who is employed as a pastry cook.

Mrs. Fisher said these Negroes live on the grounds, and not in the hotel, adding that they are good, steady help. She said she heard, but "didn't get the straight of it," that on the closing night of the convention, some of the delegates objected to her husband's and these Negroes.

AUG 29 1941

Her husband, she said, told these persons who complained, that they had been trying to get white help for some time, but had been unable to do so. The husband, she said, also pointed out it was some distance to town for help to go after work each night, and for this reason they lived on the grounds.

However, the husband told these objectors that he would take the Negroes into town to stay that night, and he did so. Mrs. Fisher also stated she "understood" these objectors had been drinking considerably.

Savannah, Ga., News
August 20, 1941

HEARING TODAY FOR BUS DRIVER, NEGRO

Shooting Arose From Incident On Bus

The altercation at East Broad and Gwinnett streets between a bus driver and a negro in which the latter was shot and seriously wounded on July 19, will be aired at a Police Court hearing this morning.

Defendants will be M. B. Gay of 4212 Waters avenue, the bus driver, and Richard Williams, colored, who was shot twice in the body. Police said that the incident arose when Mr. Gay, who was off duty and riding on the bus as a passenger, asked a colored woman to move to the rear seat of the bus.

When the woman refused, police said, Mr. Gay pulled her out of the seat and pushed her to the rear seat. The incident angered several negroes who were standing on the corner at East Broad and Gwinnett streets where the bus was parked, police said. Three of the negroes, including Williams, dared Mr. Gay to get out of the bus, according to officers.

Police said that Mr. Gay went to the end of the run where his automobile was parked, drove home and got his pistol, and returned to the corner where Williams and the other negroes were. In the altercation which followed Mr. Gay was shot and slightly wounded in the arm, police said, while Williams was shot twice in the body and was seriously wounded. Williams succeeded in taking the pistol away from Mr. Gay after the first two shots were fired, police said.

Daily World
Atlanta, Georgia

Army Chaplain Beats Attempted Railway Jimcrow

Contends Bullets Don't Discriminate In Winning Point

SEP 24 1941

DALTON, Ga. (SNS)— Contending that the bullets of the enemy made no discrimination between Negro and white soldiers on the battleground, Chaplain Luther Marion Fuller of Fort Benning's Reception Center last week forced the steward on the Ponce de Leon Atlanta Southern Railway train, to give him service equal to other passengers in the dining car.

The incident occurred between Dalton and Atlanta, as Dr. Fuller on leave as pastor of the People's Baptist church, Chelsea, Mass., was en route back to Fort Benning after attending the National Baptist Convention session at Cleveland

HALTED BY WAITER

Emerging from his Pullman berth at breakfast time, Chaplain Fuller was headed for the dining car when he was halted by a waiter, who informed him that the laws of Tennessee and Georgia would not permit the serving of Negro passengers in the dining car.

Dr. Fuller consulted the steward, who sought to compromise the issue by suggesting that the army officer either be served in the Pullman car or behind a screen in the dining car.

SEP 24 1941

Incensed, Dr. Fuller replied: I am neither interested nor concerned about the foolish and insane Jim Crow laws of Tennessee and Georgia. I am a commissioned officer of the United States Army and demand that I be served in the dining room with the other passengers. When on the battlefield, there are no screens put up to separate the colored from the white, but all of us receive the bullets and shell fire of the enemy, regardless of race, creed, or color.

"If you refuse to serve me, I will report the whole affair to the War Department and will also start proceedings against the Southern Railroad for damages."

PASSENGERS DON'T PROTEST

The steward conferred with other officials on the train, after which it was decided to serve Chaplain Fuller in the dining car. No protests were made by the score or more white passengers already in the car.

Dr. Fuller was on a ten-day leave of absence from Fort Benning to attend the National Baptist Convention. En route back to the fort he stopped in Atlanta for two days as the guest of Mr. and Mrs. Jesse O. Thomas, Mrs Thomas was a classmate of Dr. Fuller's at Wiley college.

Daily World
Atlanta, Georgia

NAACP Promises To Carry Action To High Court

OCT 8 - 1940

"Street Car Persecution" Prompts Appeal

Renewed determination to carry to an appeal of the Ruth Thornton case "to the Supreme Court, if necessary" was expressed Tuesday night as memoers of the Atlanta branch NAACP placed approval on the steps already taken by T. M. Alexander, the branch's president.

Outright indignation was shown by many of the members present, who disclosed that they had either witnessed or themselves had been victims of the current waves of "street-car persecution" which is sweeping the city.

Mrs. Thornton was fined $27 last Wednesday by Recorded A. W. Calloway on charges of "disordorly conduct" growing out a disturbance on the River car line.

SUSTAINED BRUISES

In a scuffle with E. V. McCoy, white, over which one was to board the car first, Mrs. Thornton sustained painful bruises about the mouth and face, when McCoy, according to her testimony kicked her twice in the face after having pushed her back and boarded first.

Mr. Alexander disclosed that Attorney George W. Willingham had been retained to push the appeal and look into the possibilities of prosecuting McCoy, against whom Arresting officer Paul Jones failed to make a case fater the incident Wednesday.

Simultaneous with the decision to push the appeal of the Thornton case, it was decided to launch a city-wide appeal for funds with which to carry on the legal battle.

DRIVE GETS UNDERWAY

The drive got underway at the meeting when W. Y. Bell, secretary of the Atlanta Urban League contributed $5, which was followed by an additional $5 given by Mr. Alexander.

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Promises of donations were also received from several other members present.

A woman who was a passenger on the street car at the time of Thornton incident appeared at the meeting and described the brutal treatment Mrs. Thornton had received at the hands of McCoy. She expressed the opinion that the abused woman was justified in the action she took.

It was charged during the police court hearing that the defendant had used abusive language in addressing McCoy. The witness, who appeared at the NAACP meeting, in describing the disturbance, asserted that Mrs. Thornton acted only after McCoy had viciously kicked her in the mouth. The woman said she truly regretted that she had not been able to attend the trial and offer her testimony, but that she would be available at any future date.

OCT 8 - 1940

WITNESS SOUGHT

NAACP members who are called upon to regularly ride the River car, were asked by Mr. Alexander to begin a search for witnesses to the Thornton case. More than fifteen Negroes, it was said, were passengers on the street car, but none appeared in her defense at the trial.

The names ond addresses of the witnesses, it was explained, should be given to Mr. Alexander at 21[illegible] Auburn Avenue.

OCT 8 - 1941

The president pledged that there would be no further delay in taking action in the case and promised that there would be "plenty to report" at the next meeting of the association.

ILLINOIS

30-1941

Amsterdam News
New York, N. Y

A Terrific Blow!

New Republic
New York, N. Y.

Negroes Are People

MAY 5 - 1941

The Supreme Court h[illegible]cted with courage and justice in ruling that railroads in interstate commerce may not refuse Pullman accommodations to Negroes. Now that the Court has spoken, it is hard to see how any other interpretation could have been possible; as Mr. Chief Justice Hughes says, the issue is not segregation, but equality of tre...ment. In other words, the railroads did not furnish two Pullman cars substantially alike, one for Negroes and one for whites: they forced a Negro who was willing and able to pay for Pullman accommodation to ride in a day coach. In the past these coaches have often been filthy and have lacked proper light, heat and ventilation.

In action that is literally without precedent, the attorneys general of ten Southern states had jointly asked the Supreme Court not to rule on the case (which arose when Representative Arthur W. Mitchell of Chicago, a Negro, was forced to leave a Pullman car and enter a coach as his train from Chicago to Hot Springs reached Arkansas). Southern white leaders had taken the remarkable step of virtually offering a political compromise: if the Court would not demand equality of treatment for black and white, Southern sentiment would support large additional federal grants of money for Negro education in the South. But one does not bargain with the Supreme Court.

MAY 5 - 1941

We recognize that ingrained race prejudice is not to be uprooted in a day. Progress will not be made by setting whites against blacks in a provocative manner. We take it for granted that the leaders of the Negro race will advise caution in the use of the rights just affirmed by the Court. In the long run, the solution of the Negro problem is first of all economic improvement and second, educating whole communities to understanding, tolerance and coöperation. Notable strides have been made in recent years. At the same time, the discrimination on railway trains has been such a flagrant violation of justice that its removal was long overdue, and especially in a time when democracy means more to Americans than it has in generations. We are far out of the way. It is not merely a question whether England and the United States can build vessels as fast

Daily World
Atlanta, Georgia

Static Politics

MAY 4 1941

By WALTER R. CHIVERS

THE MOST COMPLIMENTARY statement that can be made about Southern politics is to say that it tends to remain stationary. This is only polite fiction for politics like other interests of human beings is dynamic and, therefore, must move forward or backward. It would probably be more nearly correct to think of political action in the far south as puerile or childish. This line of thought was re-stimulated by the recent activity of southern governments in reference to Representative Mitchell's Appeal to the United States Supreme Court for equal accommodations fo Negroes on Pullmar Cars.

CHIVERS

Forgetting fo the moment such basic problems as economic poverty, illiteracy, low-rated educational institutions, eroded soil, eroded people and the gravity of the national defense situation the governments of upwards of ten Southern States turned their energetic attention to opposing Representative Mitchell's Appeal.

SHOULD BE ASHAMED

The desire to keep the Negro "in his place" is so definitely emotional until these government officials, who are by the way attorney-generals, evidently did not bother to read the case. For they fear that if Pullman Company is forced to abandon segregation that Negroes will seek full social equality. As a matter of fact Congressman Mitchell did not sue for abolition of segregation on Pullman cars but for "equal accomodations." The way in which the Supreme Court decision cites this difference certainly should make the objecting attorney-generals "legally-ashamed" of themselves.

As a native of Alabama I cannot say that I have the slightest reason to be proud of its political ability or legal maturity. It was Alabama that led in organizing the opposition to Mitchell's case because it misread the case and thought that it was seeking abolition of segregation. It was Alabama that spent thousands of dollars on the prosecution of a group of irresponsible, underprivileged, untutored Negro boys at Scottsboro, Alabama, during the years when it could not even finance its State-educational institutions.

An attorney-general staked his future upon the extended trials and resultant publicity of this case. He died before he could enjoy the full political fruits of his activity.

MAY 4 1941

OUT ON A LIMB

As a result of the handling of this case, Negroes gained the right to sit on juries. The Supreme Court so ruled. A series of Supreme Court decisions involving the principle laid down on the Scottsboro case have at least liberalized the "Negro's place" in the scheme of things Southern

Now Alabama goes out on another "political limb" in an effort to keep the "Negro in his place". Again the Supreme Court has ruled against it. This attorney-general did not get a chance to make political capital out of the aged bait of "Negroes and Social equality".

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There are at least two types of educational insufficiency displayed by Southern political leaders. The one is that if all laws, statutes and customs in reference to keeping the Negro "in his place" were abolished at once that cultural endogamy or unity would not only prevent significant interracial association but has actually so conditioned Negroes unti they do not care to socialize with white people.

WOULD BE PAINFUL

People enjoy socializing with people who have culture histories similar to theirs not particularly because they are either white or black. 'Tis true that informal, pleasant, conversation between southern white people and Negroes would be most difficult because of their different culture histories. After they had worn out the "conditions" of the weather the conversation would become increasingly "painful".

Then on the other hand, emotional cloudiness has prevented southern politicians from evaluating the effective "power politics" being played by Negroes in the North and border states. The South might show more political astuteness by wooing this vote, which has its heritage rooted in the South than driving a wider cleavage by spending its political energy trying to hold intact the "ways of life" of pre-Civil War days.

Washington Tribune
Washington, D. C.

Mitchell Ruling Doesn't Abolish Any Segregation

MAY 10 1941

To the TRIBUNE Editor:

Negroes are excited and elated because the U. S. Supreme Court has declared for equal accommodation for us on railroads but fail to see the chief weapon which this decision supplies. If the decision means no more than equal accomodation, we will be just where we were 20 years ago, following a former High Court decision handed down under Taft.

What our people must not miss is the fact that this decision does not take up the question of seperation but states simply THAT THE ARKANSAS SEPARATE COACH LAW CANNOT APPLY TO AN INTERSTATE PASSENGER. In other words if I buy a coach ticket from Washington a point in North Carolina, the railroad can no longer jim crow me in compliance with thhe Virginia and N. Carolina separate coach laws.

MAY 10 1941

Similarly, I can no longer be forced to occupy the rear seat in a bus traveling from D. C. to Alexandria, Va. Our people should have these facts supplied them. Those of us who understand and are able to differentiate INTRASTATE from INTERSTATE are in the minority.

J. H. JENKINS.
Washington D. C.

Greenwood, S. C. Index-Journal
April 30, 1941

ANOTHER STRAW

The decision of the Supreme Court of the United States in the case of Congressman Arthur Mitchell, Negro and Democrat, of Chicago, against the Pullman Car company is another straw which should show clearly the direction of things.

"Equal accommodations" for colored passengers on trains means eventually "equal accommodations" in other things.

The Federal government certainly would not appropriate money in aid of public schools, as this decision indicates, and allow any discrimination in the matter of "accommodations" and if indeed segregation in any form be attempted, it might be brought to an end by Federal power.

The matter of racial problems does not concern the North and East as it does other sections.

Bristol, Va., Herald-Courier
May 10, 1941

Some Equality For Negroes.

The United States Supreme Court has put the States on notice that they must provide Negroes with equal educational opportunities with whites. Also that they must provide Negroes with equal accommodations on passenger trains in interstate travel. These rulings affect only the Southern States, which do not provide these equal opportunities and accommodations.

The decisions of the High Court mean that Tennessee, for example, must either admit Negro students to the State University at Knoxville or must furnish them with educational opportunities equivalent to those offered at the university. Also that Negro travelers entering Tennessee or another Southern State from a State which does not have a "jim crow" law must either be permitted to travel in Pullman cars with whites or must be provided with special Pullman cars.

The Tennessee State Board of Education, meeting yesterday at Nashville, was expected to act on the question of furnishing Negroes with educational opportunities equivalent to those offered at the State University. This higher educational program for colored people was authorized by the State Legislature at its session early this year. Later the Southern States will have to take steps to conform to the Supreme Court's ruling concerning train accommodations for Negroes, which was handed down only recently, some time after the Tennessee Legislature adjourned.

And now City Attorneys from fifteen Tennessee towns are scheduled to meet in Nashville next Thursday to discuss a suit filed in Federal Court by Harold E. Thomas, colored teacher of Nashville, seeking pay equal to that received by white teachers. City Attorney W. C. Cherry of Nashville called the meeting for the announced purpose of seeking the advice of the City Attorneys on an answer he said he had prepared to the suit instituted by Thomas, who charged that his lower salary was in violation of his constitutional rights.

The same issue has been raised in Virginia and, if we are not mistaken, a Federal District Court has decided that Negro school teachers must be given the same salaries as white teachers. This question has not yet reached the Supreme Court, and until it is passed upon by that tribunal the States may leave teacher salaries as they are. But the States must furnish Negroes equal educational opportunities with whites, and in all probability they will have to pay white and colored teachers the same salaries. This may not be pleasing to some of the States, but they will become reconciled to it in time, and perhaps feel that no public interest has suffered.

Amsterdam News
New York, N. Y.
30-1941

The Mitchell Jim Crow Case

MAY 3 1941

Now it can be told! The unanimous and sweeping decision of the United States Supreme Court in upholding the contention of Congressman Arthur W. Mitchell that all citizens of this country must be provided with equal accommodations in interstate travel, is a tribute to the vision and wisdom of the representative in planning the strategy for the long hard battle.

In 1937 Congressman Mitchell, while enroute to Hot Springs, Arkansas from his home in Chicago, was ejected from his Pullman car just as his train reached the Arkansas border and was forced to continue the journey in a jim crow car of second class accommodations.

Upon his return to Chicago he filed suit before the Interstate Commerce Commission. His plea was denied. He appealed to the United States Circuit Court of Appeals in the Northern Illinois district, only to receive another setback when that court, made up of three judges, upheld the commission's ruling, which based its decision on the premise that "there was comparatively little Colored traffic and that to provide equal separate accommodations would be financially prohibitive." The case was taken to the U. S. Supreme Court before which arguments were made six weeks ago.

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Mr. Mitchell, it seems to us, in making his fight for equal accommodations instead of making a direct frontal attack on Segregation, was taking the first logical step toward erasing the evils of discrimination in interstate travel. Some evidence of this is shown in Mr. Chief Justice Hughes' comment on the action of the ten Southern Attorney generals who urged the court to deny the Congressman's appeal on the grounds that the segregation laws of their states are valid. Mr. Mitchell's procedure had cleverly blocked their action.

The chief justice said that because segregation was not involved, the court had no occasion to consider the question discussed by the attorney generals in a brief filed with the Supreme Court.

On the other hand, Mr. Mitchell's ... must hit directly at the money belt of the railroads, and this maneuver may force the companies to find a way to break down the practice of segregation.

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Under the law as it was made clear in the decision Monday, the railroads, if they insist on separate accommodations, would be compelled to provide a sleeping car and a diner for even one Negro passenger. This might prove too expensive even for the railroads. Just how they will be able to provide two observation cars could not be explained.

We hasten to congratulate Congressman Mitchell and his attorney, Richard E. Westbrooks, for their brilliant victory, which apart from the merits of the case, was achieved by their excellent presentation before the nation's highest tribunal. While the victory in itself was not one over segregation, it appears to us that segregation, as a result of the victory, may prove too costly; and that the case which some of the congressman's critics considered one of minor importance, might turn out to be the fatal blow to complete rout of the jim crow cars all over the United States.

ILLINOIS
Kansas City Call
Kansas City, Mo.

Another Gain in Citizenship

Step by step the equal right of Negroes to the rights and benefits of citizenship is being established. The latest gain is the requirement that railroads shall provide sleeping car accommodations for them in states where separate car laws prevail.

MAY 2 1941

Decisions of the supreme court come in specific cases, but the principle on which they are decided is broad. All common carriers in all services they render, must from this time forth treat Negroes like they do other customers. How different from the custom that prevails when Negroes pay the same but are given accommodations which are inferior.

Black laws—the general term used for legislation by southern states to limit Negroes—work as they were intended. The "equal" in their letter has never been even attempted in spirit, much less enforced. Now a sounder judgment will come to prevail. Both the courts and the public see that in the past the law has been made a lie. Keeping Negroes down is not worth that cost.

With the acceptance of all citizens as equally entitled to public services will come opportunity for the two races to see each other's good side. The Negro typical of his people is for some whites a cross between a clown and a petty law breaker, a shabby ne'er-do-well who exists for the sole purpose of giving their sympathies an object. They must learn better as did a distinguished publisher of one of the nation's great newspapers. He accepted an invitation to address a group of Negro professionals. He prepared his speech in writing. On arriving at the meeting there was a short wait. To his surprise he found the assembly discussing subjects such as he and his friends talked about, with about the same knowledge and intelligence. With commendable candor he arose when the time came for his speech and said he had none, but would talk informally.

MAY 2 1941

Every improvement in the Negro's status is a chance for interracial understanding to be enhanced to the improvement of national unity. For the moment the movement is toward "equal but separate" services. If only Negroes will make good use of what is being admitted their lawful right, the folly of dual services and the costliness of it will lead to public opinion taking the next step.

Public opinion will not support handcuffing a progressive people. Black laws were passed to insult and hinder Negroes. With some of their intended victims showing courtesy and character, the conclusion is inevitable that that is an unworthy objective.

Pittsburgh Courier
Pittsburgh, Pa.

Opinion Of Supreme Court In Jim-Crow Coach Case

AS DELIVERED BY HON. CHARLES EVANS HUGHES, CHIEF JUSTICE, WITH ALL OTHER JUSTICES CONCURRING.

Arthur W. Mitchell vs. Interstate Commerce Commission, Illinois Central Railroad Company, Chicago, Rock Island and Pacific Railway Company, the Pullman Company, et cetera.

PART OF THE OPINION FOLLOWS

MAY 3 - 1941

FIRST—The Commission challenges the standing of appellant to bring this suit. We find the objection untenable. This question does not touch the merits of the suit, but merely the authority of the District Court to entertain it. The fact that the Commission's order was one of dismissal of appellant's complaint did not foreclose the right of review. Appellant was an aggrieved party and the negative form of the order is not controlling. *Rochester Telephone Corporation v. United States*, 307 U.S. 125, 143.

Nor is it determinative that it does not appear that appellant intends to make a similar railroad journey. He is an American citizen free to travel, and he is entitled to go by this particular route whenever he chooses to take it and in that event to have facilities for his journey without any discrimination against him which the Interstate Commerce Act forbids. He presents the question whether the Act does forbid the conduct of which he complains.

The question of appellant's right to seek review of the Commission's order thus involves the primary question of administrative authority, that is, whether appellant took an appropriate course in seeking a ruling of the Commission. The established function of the Commission gives the answer

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The determination whether a discrimination by an interstate carrier is unjust and unlawful necessitates an inquiry into particular facts and the practice of the carrier in a particular relation, and this underlying inquiry is precisely that which the Commission is authorized to make. As to the duty to seek a determination by the Commission in such a case, we do not see that a passenger would be in any better situation than a shipper. *Texas & Pacific Railway Co. v. Abilene Cotton Oil Co.*, 204 U.S. 426; *Robinson v. Baltimore & Ohio R.R. Co.*, 230 U.S. 506; *Mitchell Coal Co. v. Pennsylvania R.R. Co.*, 230 U.S. 247; *Morrisdale Coal Co. v. Pennsylvania R.R. Co.*, 230 U.S. 304; *General American Tank Car Co. v. El Dorado Terminal Co.*, 308 U.S. 422.

The District Court had jurisdiction to review the action of the Commission and the question on that review was whether that action was in accordance with the applicable law

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SECOND—The case was submitted to the District Court upon the evidence taken before the Commission. The undisputed facts showed conclusively that, having paid a first-class fare for the entire journey from Chicago to Hot Springs, and having offered to pay the proper charge for a seat which was available in the Pullman car for the trip from Memphis to Hot Springs, he was compelled, in accordance with custom, to leave that car and to ride in a second-class car and was thus denied the standard conveniences and privileges afforded to first-class passengers.

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This was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro. The question whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation* but one of equality of treatment. The denial to appellant of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against State action by the 14th Amendment. *(McCabe v. Atchison, T. & S. F. Rwy. Co.*, 235 U.S. 151, 160-162; *Missouri ex re. Gaines v. Canada*, 305 U.S. 337, 344, 345) and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust. In that aspect it could not be deemed to lie outside the purview of the sweeping prohibitions of the Interstate Commerce Act.

We have repeatedly said that it is apparent from the legislative history of the Act that not only was the evil of discrimination the principal thing aimed at, but that there is no basis for the contention that Congress intended to exempt any discriminatory action or practice of interstate carriers affecting interstate commerce which it had authority to reach. *The Shreveport Case*, 234 U.S. 342, 356; *Shreveport & Nashville R. Co. v. United States*, 282 U.S. 749, 750; *Merchants Warehouse Company v. United States*, 283 U.S. 501, 512, 512. Paragraph 1 of Section 3 of the Act says explicitly that it shall be unlawful for any common carrier subject to the Act "to subject any particular person * * * to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." 49 U.S.C. 3.

From the inception of its administration the Interstate Commerce Commission has recognized the applicability of this provision to discrimination against colored passengers because of their race and the duty of carriers to provide equality of treatment with respect to transportation facilities; that is, that colored persons who buy first-class tickets must be furnished with accommodations equal in comforts and conveniences to those afforded to first-class whitep assengers. See *Council vs. Western & Atlantic R. R. Co.*, 1 I. C. C., 39 ; *Heard Georgia R. R. Co.*, 3 I. C. C., 111; *Edwards vs. Nashville, C. & St. L. Rwy. Co.*, 12 I.C.C. 247; *Cozart vs. Southern Rwy. Co.*, 16 I.C.C. 226; *Gaines vs Seaboard Air Line Rwy. Co.*, 16 I.C.C. 471; *Crosby vs. St. Louis-San F[illegible]co Rwy. Co.*, 112 U. S. 239†.

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THIRD. We find no sound reason for the failure to apply this principle by holding the discrimination from which the appellant suffered to be unlawful and by forbidding it in the future.

That there was but a single incident, was not a justification of the treatment of the appellant. Moreover, the Commission thought it plain that "the incident was mentioned as representative of an alleged practice that was expected to continue." And the Commission found that the ejection of appellant from the Pullman car and the requirement that he should continue his journey in a second-class car was "in accordance with custom," that is, as we understand it, according to the custom which obtained in similar circumstances.

Nor does the change in the carrier's practice avail. That did not alter the discrimination to which appellant had been subjected, and as to the future the change was not adequate. It appears that since July, 1937, the carrier has put in service a coach for colored passengers which is of equal quality with that used by second-class white passengers. But, as the Government well observes, the question does not end with travel on second-class tickets.

It does not appear that colored passengers who have bought first-class tickets for transportation by the carrier are given aaccommodations which are substantially equal to those afforded to white passengers. The Government puts the matter succinctly: "When a drawing room is available, the carrier practice of allowing colored passengers to use one at Pullman seat rates avoids inequality as between the accommodations specifically assigned to the passenger. But when none is available, as on the trip which occasions this litigation, the discriminationn and inequality of accommodation becomes self-evident. It is no answer t say that the colored passengers, sufficiently diligent and forehanded, can make their reservation far in advance as to be assured first-class accommodations. So lon as white passengers can secur first- class reservations on the d of travel and the colored passenge can not, the latter are subjecte to inequality and discrimination b cause of their race."

And the Commission has recog nized that inequality persists wit respect to certain other facilitie such as dining car and observation parlor car accommodations.

We take it that the chief reaso for the Commission's action wa the "comparatively little colore traffic." But the comparative vo ume of traffic cannot justify th denial of a fundamental right c equality of treatment, a right sp cifically safeguarded by the pr visions of the Interstate Commerc Act. We thought a similar argu ment with respect to volume c traffic to be untenable in the ap plication of the Fourteenth Amend ment. We said that it made th constitutional right depend upon th number of persons who may b discriminated against, whereas th essence of that right is that it a personal one. *McCabe v. Atchison, Topeka & Santa Fe Rwy. Co supra.*

MAY 3 - 1941

While the supply of particula facilities may be conditioned upo there being a reasonable deman therefor, if facilities are provide substantial equality of treatmer of persons traveling under like co ditions cannot be refused. It the individual, we said, who is e titled to the equal protection the laws—not merely a group individuals, or a body of perso according to their numbers. *I* See also *Missouri ex rel. Gaines Canada*, pp. 350, 351. And the I terstate Commerce Act express extends its prohibitions to the su jecting of "any particular perso to unreasonable discriminations.

On the facts here presented, the is no room, as the Governme properly says, for administrati or expert judgment with respe to practical difficulties. It is enou that the discrimination was pa pably unjust and forbidden by t Act.

The decree of the District Cou is reversed and the cause is manded with directions to set asi the order of the Commission a to remand the case to the Commi sion for further proceedings conformity with this opinion.

It is so ordered.

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*In this view, we have no o casion to consider the question di cussed by the Attorneys Gener of several St[illegible] in their brie as amici curiae.

†In Edwards vs. Nashville, C. St. L. Rwy Co., 12 I.C.C. 247, 24 the principle was thus stated: " a railroad provides certain facil ties and accommodations for firs class passengers of the white rac it is commanded by the law th like accommodations shall be pr vided for coloredp assengers of t same class. The principle th must govern is that carriers mu serve equally well all passenge whether white or colored, payi the same fare. Failure to do t is discrimination and subjects t passenger to 'undue and unreaso able prejudice and disadvantage

Bishopville, S. C., Messenger
March 20, 1941

MUSSOLINI'S OWN PRIVATE "BLITZ" BACKFIRES

Mussolini, the supreme and all high dictator of the destiny of the Italian people, who is also the junior member of the firm of Hitler & Mussolini, has really found out how tough the Greeks are. He was not satisfied with the way that his Fascist troops were running away from the advancing Greeks so he went to Albania and took charge himself. He directed a "blitzkrieg" which he thought would crush the Greeks. After fighting for about seven days under the personal direction of the mighty duce the Italians have lost approximately 50,000 men, either killed or captured. Mussolini has returned to Rome pretty much in disgrace, and according to the Greek reports his "prestige is weakened and his authority shaken."

Mussolini is reported to be drinking heavily due to the fact that his expeditions into Greece and into Africa have turned out to be flops. He, no doubt, rues the day that he let Adolf Hitler talk him into joining his alliance against Britain and Greece.

——LCM——

A Negro Congressman from "up North" has made the headlines again. It seems that some time ago he was riding on a train and that he was refused a Pullman berth even though there were a number not sold. His Congressional dignity and feelings were hurt because he was made to transfer to a Negro coach rather than a white coach. He is now fighting in a supreme court to force railroads and other transportation companies to do away with their "Jim Crow" rules. It might be alright for a Northerner to ride in the same coach, to eat in the same dining car and to sleep in the same Pullman car but we feel sure that the ire of a real Southerner would be considerably aroused if such were forced on him. The Negro has come a long way from the time that he was taken out of the jungle and brought over here but he should realize that there must be a stopping place and that he can never rise to the point where he will be equal or superior to the white man. We might add, however, that a Negro has his place and that when he stays there he is appreciated. It is only when he gets out of place that trouble begins, and we believe that a majority of the Southern Negroes realize where their place is and that they will stay there just so long as they are treated fairly by everyone.

——LCM——

President and Mrs. Roosevelt have always been sympathizers with labor against capital. A great emergency now exists in this country today. Labor is needed badly and labor is falling down on the job. Strikes are being called by organized labor in industries vitally important to the rearmament and defense of this country. Capital has rallied around the president in this emergency while labor, which he favored, is balking him at every turn. Labor can be a nuisance when it becomes too powerful and the president has helped it in its rise to power. Now, unless something drastic is done, the rearmament program and the aid for Britain program is going to be slowed down too much. We hope that President Roosevelt and his administration will crack down. Nothing must stand in the way. Draft labor if necessary!

——LCM——

Uncle Sam is facing a problem that he doesn't know exactly how to solve. Several thousand aliens have been ordered deported but now it seems that the government cannot get them out of the country. This country does not want them and their native countries will not issue passports for them to come back. To make matters worse no transportation can be found to send them back even if the passports are secured. Many of these aliens are fifth columnists and should be put in concentration camps or in prison. It will not be safe to turn them loose because their own native countries do not want them. What is to be done? The government would like to know.

Memphis, Tenn. Com'rcial Appeal Jackson, Miss., Daily Clarion Ledger
March 19, 1941

SOUTH PRESSES WORK IN SEGREGATION CASE

Attorneys General Will Meet At Montgomery Tomorrow

MONTGOMERY, Ala., March 18.—(AP)—Attorneys general of several Southern states will meet here Thursday to discuss preparation of an amicus curae brief to be filed in a case pending in the United States Supreme Court involving Railroad Segregation Laws of Arkansas.

Alabama Att. Gen. Thomas S. Lawson, who initiated the move to intervene said legal representatives would be here from Florida, Mississippi, Texas and possibly Georgia and other states, while Att. Gen. Hubert Meredith of Kentucky had authorized the "joining" of his state in the brief.

Mr. Lawson wrote authorities of other Southern states March 12 proposing joint action in meeting what he termed a threat to segregation laws in general.

A test case, instituted by Representative Arthur W. Mitchell (D, Ill.), only negro member of Congress, is pending in the Supreme Court. Mitchell claimed he was "forcibly ejected" from a sleeping car in Arkansas while traveling from Chicago to Hot Springs in 1937.

Mr. Lawson was advised by court attaches March 14 that he would have until March 24 to file a brief. After receiving the record in the case Tuesday he telegraphed a request for an extension of time.

March 21, 1941

Attorney-General Joins Conference In Jim Crow Case

In what was described by Governor Paul Johnson as a move "merely to ascertain what the other states are doing," Attorney-General Greek Rice was in Montgomery, Ala., yesterday for a conference with officials of other states on a proposal to file intervening petitions before the U. S. supreme court in the "Jim Crow" case file dby Arthur W. Mitchell, negro democratic congressman of Illinois, against the Pullman company.

Governor Johnson himself would make no comment on the litigation and said this state has not yet made a decision.

Recently the interstate commerce commission overruled Mitchell's argument that he was subjected to racial discrimination when he was forced to leave a Pullman car on entering the state of Arkansas.

The case now is before the U. S. supreme court. Southern states have until Monday to give notice of intervening.

Charleston, S. C. News & Courier
March 16, 1941

SEGREGATION LAW STUDY IS SOUGHT

Southern Officials Called to Intervene in Mitchell Attack on 'Jim Crow'

Atlanta, March 15.—(AP): Southern attorneys general are studying state regulations concerning the segregation of white and negro races on passenger trains, anticipating a supreme court fight over the question.

Thomas S. Lawson, attorney general for Alabama, has requested that attorneys general for other Southern states join him in intervening in the case, instigated by Illinois' negro congressman, Arthur W. Mitchell.

Lawson said that Mitchell attacked the Arkansas railroad segregation statute when he was forced to leave a Pullman car while en route to Hot Springs, Ark., from Chicago in 1937.

Mitchell appealed to the interstate commerce commission, charging "undue and unreasonable prejudice" and asked that the Arkansas carrier be compelled to provide first class passage for all holders of first class tickets.

The I. C. C. dismissed the case, and Mitchell then went to the federal courts, Lawson continued, finally appealing to the supreme court of the United States.

"I have absolutely no patience with anyone who proposes to arouse racial differences and hatreds," Lawson wrote in proposing that the Southerners intervene.

Georgia's Attorney General Ellis Arnall said he would discuss the question with Governor Eugene Talmadge and act as instructed by the chief executive. He said Georgia law now requires equal accomodations in separate cars or in compartments of cars, while forbidding whites and negroes to occupy the same cars or compartments.

Talladega, Ala., Mountain Home
March 19, 1941

WALK CAREFULLY

High courts of the United States would do well occasionally to remember that there are laws governing the conduct of men which are older and stronger than any rules and regulations for human conduct growing out of the deliberations of black-robed men, who work huddled together in the luxurious seclusion of a monastic office.

A case directly in point is the present consideration of Southern laws upholding the traditional—and very wise—policy of segregation of the races.

A Negro congressman Arthur Mitchell of Chicago, has attacked segregation laws as they apply to transportation and the United States solicitor general has agreed with his contention that they deal only with intrastate passenger traffic.

Should the Supreme Court uphold that viewpoint, it would mean that the

law would provide that Negroes traveling through more than one Southern state could not be required to ride in the coaches especially provided for them.

Any man dealing with the practicalities of the situation would know that such a change in existing laws would be an act of colossal foolishness, fraught with possibilities which any reasonable man would shrink from contemplating.

Journal and Guide
Norfolk, Virginia

Says He Has Spent $7,000 In Effort

Pays Tribute To Supreme Court Judges

APR 12 1941

Staff Correspondence

NEWPORT NEWS—An histori constitutional victory for him an the race at large, was hinted a here Sunday afternoon by Representative Arthur W. Mitchell, Democrat of Illinois, in brief comments on his suit against jim crow practices of certain railroads.

MR. MITCHELL

Four weeks ago, Mr. Mitchell presented arguments before the U. S. Supreme Court, on an appeal from an unfavorable decision of the Federal District Court for Northern Illinois. He was refused first-class Pullman accommodations through Arkansas in 1937 by the Chicago, Rock Island and Pacific Railroad.

Addressing 500 shipyard workers and representative citizens at the Shipyard Community Center, Mr. Mitchell said:

SPENT $7,000

APR 12 1941

"I am bound to make it more comfortable for Negroes to travel in the South. I have spent $7,000 of my personal funds to fight this case, out of which I have received one of the greatest pleasures in my life."

The frank speaking representative was given a rousing ovation for this information, after which he added that, the judges of the U. S. Supreme Court, who heard him with due respect and courtesy "recognize the right of Negroes to come before them and demand that their rights as citizens under the Constitution be protected and enforced."

Asked by the Guide-Star how long he thought it would be before a final decision is handed down, Mr. Mitchell said, "in about 30 days or more."

Age-Herald
Birmingham, Ala.

STATES TO DEFEND SEGREGATION LAW

APR 16 1941

MONTGOMERY, Ala., April 15—(AP)—Ten Southern states will participate in a defense of segregation laws in a brief to be filed in the U. S. Supreme Court by next Monday, Atty. Gen. Thomas S. Lawson announced Tuesday.

The brief was completed at a second conference of attorneys general or their representatives Tuesday and will be filed in the names of Alabama, Arkansas, Georgia, Florida, Louisiana, Virginia, Mississippi, Tennessee, Texas, and Kentucky.

Tuesday's meeting followed a recent conference held at the suggestion of Lawson, who expressed the opinion a case involving the Arkansas railroad segregation law constituted a threat to Southern segregation laws in general.

The case was brought by Arthur W. Mitchell, Negro congressman from Illinois, who claimed he was required to leave a sleeping car as it entered Arkansas several years ago.

APR 16 1941

Attending Tuesday's conference were Jack Holt, attorney general of Arkansas, and F. H. Humphreys, Jr., assistant attorney general; Abram P. Staples, attorney general of Virginia; W. F. Barry, solicitor general of Tennessee; Greek L.Rice, attorney general of Mississippi; Lewis W. Petteway, assistant attorney general of Florida; Linton S. Jackson, Georgia assistant attorney general, and A. M. Suthon, special assistant attorney general of Louisiana.

Although Texas and Kentucky were not represented, both states have advised the conference that they wish to be joined in the case, Lawson said.

New York Times
New York, N. Y.

DEFEND RACE SEGREGATION

APR 17 1941

Eight States Seek to Intervene in Case Attacking Their Laws

MONTGOMERY, Ala., April 16 (UP)—Representatives of the legal departments of eight States sought today to save their race segregation laws from being held unconstitutional by the United States Supreme Court. They prepared a friend-of-the-court brief for submission to the high court in the case of Representative Arthur W. Mitchell of Illinois, who has attacked the Arkansas "Jim Crow" law relative to railroad segregation of whites and Negroes.

The Mitchell case already has been argued orally before the Supreme Court. The attorneys contended that the Arkansas law was not properly before the court, but if it were, it was applicable to interstate as well as intrastate passengers and as such constitutional.

The States represented were Alabama, Arkansas, Virginia, Mississippi, Tennessee, Georgia, Florida and Louisiana.

APR 17 1941

Commercial Appeal
Memphis, Tennessee

HIGH COURT IS GIVEN 'JIM CROW' LAW BRIEF

10 Southern States Fight For Segregation Statutes

WASHINGTON, April 21—(INS)—Attorneys general of 10 Southern states Monday filed a brief in the Supreme Court upholding constitutionality of "Jim Crow" acts and urging the court to reject the appeal of Representative Mitchell (D., Ill.) to outlaw them.

The brief asserted that it was entirely legal to require Representative Mitchell, on his way from Chicago to Hot Springs, Ark., to enter a separate railroad car for negroes when he reached the Arkansas line.

APR 22 1941

A statute which implies merely a legal distinction between white and colored races — a distinction which is founded on the color of the two races and which must always exist so long as white men are distinguished by color from the other races—has no tendency to destroy the legal quality of the two races or re-establish a state of involuntary servitude, the brief argued.

The brief asserted that "Jim Crow" laws were enacted "for the benefit and protection of both races."

APR 22 1941

States subscribing to the brief were Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas and Virginia.

Advertiser
Montgomery, Ala.

Southern States Submit Brief In Behalf Of Jim Crow Laws

APR 20 1941

Contending that the welfare, peace and safety of both races in the South are promoted by racial segregation laws, the intervening amicus curiae brief of 10 Southern states and commonwealths, in a case where such laws are challenged, was forwarded to the U. S. Supreme Court Saturday.

This action was the culmination of two conferences of Southern attorneys general held here at invitation of Atty. Gen. Thomas S. Lawson, to meet the menace to Southern segregation laws in the Arkansas case now pending before the highest tribunal. The case was brought by Arthur Mitchell, negro congressman from Illinois, after he had been required to leave a Pullman on a trip from Chicago to Hot Springs.

While only the Arkansas law is directly under fire, a decision against it would affect similar laws of other Southern states. Southern attorneys general were prompt in rallying to Mr. Lawson's suggestion for concerted action.

APR 20 1941

Congress, Not Courts

The brief contended that Congress, not the courts, is the proper forum to which an appeal to abolish segregation should be made. It also contended that constitutionality of the Arkansas "separate coach" law is not properly before the court. It quoted Mitchell's own statement before the Interstate Commerce Commission. While Mitchell argued that "a colored man is entitled to everything that a white man gets who pays a similar fare," his original complaint did not raise the segregation issue but merely demanded equal accommodations decreed by law. Although constitutionality of the Arkansas law was later attacked, the brief asserted that the issue was raised too late. It pointed out that judicial review of an order of the Interstate Commerce Commission is limited. The commission, and also a Federal three-judge district court have heard the complaint and decided against Mitchell.

The brief cited a very recent U. S. Supreme Court decision in which the court, in opinion written by Justice Frankfurter, declined to consider constitutionality of a Texas law providing that sleeping cars must always be in charge of an employe having the rank of Pullman conductor. Negro Pullman porters charged that the law discriminated against them because of race. In deciding against them, the court said that their complaints "touches a sensitive area of social policy upon which the Federal courts ought not to enter unless no alternative to its adjudication is open."

The brief in conclusion reiterated that constitutionality of the Arkansas law is not properly before the court; but, that if the court should pass upon it, the law is constitutional both in interstate and intrastate application.

APR 20 1941

"Sensitive Area"

segregation of the races 'touches a "Undoubtedly the question of the sensitive area of social policy'," it stated. "We again submit that such statutes were enacted for the purpose of promoting the welfare, comfort, peace, and safety of the people of both races. We believe that it is a matter of common knowledge, which this court judicially knows, that in those states and commonwealths which are parties to this brief, where large numbers of both races reside, such statutes do, in truth and in fact, promote the welfare, comfort, peace and safety of the people of both races."

APR 20 1941

The brief bore signatures of the following Southern states' attorneys general: Jack Holt, Arkansas; Thomas S Lawson, Alabama; J. Tom Watson Florida; Ellis Arnall, Georgia; Hubert Meredith, Kentucky; Eugene Stanley Louisiana; Greek L. Rice, Mississippi; W. F. Barry, Tennessee (solicitor general); Gerald Mann, Texas, and Abram P. Staples, Virginia; also of three assistant attorneys general who participated in preparation of the case Silas C. Garrett, Alabama; Lewis W Petteway, Florida, and Linton S. Johnson, Georgia.

Daily World
Atlanta, Georgi

Mitchell's Case Has Southern States Astir

MAR 28 1941

MONTGOMERY, Ala.—(SNS) The month of March will long be remembered throughout the Southern states for a strong protest made by the Attorneys General of all the Southern states. After working on his case since early in 1937 until now, Congressman Arthur W. Mitchell has used the same strategy that Adolph Hitler used in the European Country in getting some of the small countries on his side. And when Great Britain came to herself she had a bitter fight on her hand. Congressman Mitchell has gained the favor of Solicitor General Francis Biddle who told the Supreme Court the railroads must furnish equal accommodation to the colored passengers the same as the whites. Mr. Mitchell is the only colored Congressman in Washington representing our group.

MAR 28 1941

CALL FOR HELP

After the Supreme Attorney General had talked in favor of Mr Mitchell's case Alabama's Atty General Thomas S. Lawson acting like Great Britain sat still until Mr. Mitchell got lined up and then he called in all the Southern States Attorneys General to meet in Montgomery last week. They were successful in getting more time extended to them so they could complete their briefs and file them with the United State Supreme Court.

MAR 28 1941

JIM CROW ON BOTH SIDES

It is true that colored people on all sides are Jim Crowed in local stores. county courts, elevators, busses and even in the Attorney General's office. But we people who live here in Alabama understand some of this situation and the other part we do not. The colored girl can nurse a white baby until he is 10 or 12 years old and when he marries and starts a family that nurse is then jimcrowed. It is being discussed throughout Alabama as well as in other Southern States about this case and race members everywhere are asked to flood the Attorney General of the United State Supreme Court's office with letters thanking him for the stand he has taken.

Chattanooga, Tenn., Daily Times
March 7, 1941

NEGROES' EQUAL RIGHTS ON RAILROADS SOUGHT

WASHINGTON, March 6 (AP).—The justice department told the supreme court today that railroads should give Negroes traveling from one state to another accommodations equal to those provided for white persons.

Solicitor General Francis Biddle presented this contention in a brief filed in connection with litigation brought by Representative Mitchell (dem., Ill.), the only Negro member of congress. Mitchell contended he was "forcibly ejected" from a Pullman car in Arkansas while traveling from Chicago to Hot Springs in 1937.

Explaining that the interstate commerce commission had dismissed Mitchell's petition for equal treatment with white persons because of the "comparatively little colored traffic," Biddle added:

"This ruling we believe to be erroneous. The constitution and the interstate commerce act alike make the guaranty of equal treatment one which is personal to each passenger.

"The majority of the commission considered that it was dealing with a question of 'colored traffic.' It was, however, faced instead with an issue of the basic liberties and privileges of citizens."

Biddle noted that the supreme court had ruled that a railroad, "without regard to the inter- or intra-state character of the journey, had power by regulation to segragate white and colored passengers." He asserted, however, that it had been "assumed" that "the separate accommodations must be of equal quality."

Montgomery Ala Advertiser
March 14, 1941

Governor Joins Fight To Keep Racial Statutes

Invites Chief Executives Of Southern States To Discuss Issue Jointly

Gov. Frank Dixon Thursday joined vigorously with Atty. Gen. T. S. Lawson in recommending united Southern action to meet the threat to racial segregation statutes, in a case pending before the U. S. Supreme Court.

The action of Alabama's Governor came as Representative Mitchell, of Illinois, the only negro member of Congress, argued before the Supreme Court in Washington that members of his race traveling from one state to another were entitled to "equal accommodations" on railroads. An Associated Press dispatch from Washington quoted Mitchell as commenting "sarcastically" on "second class accommodations in a filthy coach" while Chief Justice Hughes observed from the bench that the problem of dining car facilities could be met "by admitting colored persons to the dining car."

Dixon Suggests Parley

Gov. Dixon wrote the governors of 10 other Southern states, suggesting a conference of the attorneys general of the states "the social structure of which would be affected by the outcome of this case." Before leaving Thursday night for the meeting of the Southern Governors' Conference in New Orleans, Gov. Dixon further announced intention of taking the matter up with the other chief executives personally. Gov. Dixon is chairman of the Southern Governors' Conference, which meets in the Crescent City Saturday, Sunday and Monday.

The Supreme Court has before it a complaint brought by the Illinois negro congressman, Arthur W. Mitchell. It attacks the constitutionality of the Arkansas law providing segregation of races on railroad trains. It originated when Mitchell was forced to leave a Pullman after a train on which he was passenger crossed the Arkansas line. Outcome of the case is expected to have important bearing on the racial segregation laws of the South.

Atty. Gen. Lawson Wednesday wrote other Southern attorneys general, outlining the status of the pending case and suggesting concerted action.

Dixon's Letter

In his letter Thursday to other Southern governors, Gox. Dixon stated:

"You will find enclosed herewith a copy of a letter today being forwarded by Hon. Thomas S. Lawson, attorney general of Alabama, to the attorney general of South Carolina, as well as the attorneys general of other Southern states. Following up his letter, it appears to me that the matter is of sufficient importance to justify a meeting of the attorneys general of the various states, the social structure of which would be affected by the outcome of this case, for the purpose of arriving at definite conclusions as to how this threat should be met.

Journal and Guide
Norfolk, Virginia

"Separate But Equal"

UNDER the above caption the Raleigh News and Observer makes some timely editorial comments on the case revolving around the unequal accommodations afforded Negroes in the enforcement of the laws requiring the separation of races on public carriers, which was instituted by Representative Arthur W. Mitchell, of Illinois, and argued before the United States Supreme Court recently by Mr. Mitchcell and associate counsel. We quote the News and Observer:

MAR 29 1941

Difficult as the solution of the problem may be in actual practice, Southerners who believe in the separation of the races must recognize that as a matter of simple justice Negroes are entitled to railroad—and other—accomodations equal to those furnished white persons.

Indeed, the Jim Crow laws in practically all of the Southern States are written to require separate but equal accommodations. Railroads are granted franchises in the service of all the people. Obviously there cannot be white railroads and Negro railroads running side by side. Therefore, when a company assumed with its franchise a responsibility to serve all the people, it must give them equal if separate service.

Actually there is no question of eliminating the separation requirements in the laws of Southern States involved in the case just argued before the United States Supreme Court. The only question involved is whether in the name of separate accommodations equal accomodations can be denied Negroes.

This is, however, a question of increasing importance to the South. If this region wishes—as it does—to preserve the separation of the races in public accommodations, it must be active in insistence that the separate accommodations be equal. Otherwise as the Missouri case in higher education indicated, as cases involving teacher pay have shown, and as the questions put to the lawyers in this railroad case suggest, the separation laws cannot long be maintained.

In view of the manner in which the Jim Crow laws of the South have been enforced it was inevitable that the time would come when they would have to undergo reinterpretation and modification, if not actual repeal.

There are a few—a very few—railroads that have endeavored to enforce the laws with a sense of decency. Among the few the Norfolk and Western stands out sharply. One feels the rigors of Jim Crow less on this railroad than on any operating in the South. The Norfolk and Western has undertaken to live up to the letter of the law. We mention the N. & W. to show that it has been possible for the railroads and steamship lines to do far better than they have done.

MAR 29 1941

The enforcement of Jim Crow laws has been in the hands of employees of the common carriers, who for the most part, have divined that it was not enough to comply with the letter of the law. They have divined that there was a "spirit" behind the enactment of these laws and that it was their duty to make their enforcement exemplify this "spirit" as much as possible. As in the Mitchell case, nothing but an extra-legal element, symbolic of this "spirit" would have prompted a railroad conductor to forcibly eject a member of the United States Congress from a Pullman car merely because the legislator happened to be colored. Decent enforcement of the law would have discovered a better way to solve the conductor's problem, or better, to have resolved his prejudices.

Jim Crow laws in the South have been so enforced as to constitute a

crown of thorns, pressed down hard upon the brow of the Negro race. These laws as now enforced on the great majority of the carriers constitute a vehicle in the hands of subalterns for brow-beating colored patrons of the transportation lines, and it is the common experience that with the exceptions noted, the more respectable and orderly the Negroes the more rigid the brow-beating has been.

Jim Crowism in necessary travel is the worst thing that Southern Negroes have to endure. It is good to see an outstanding organ of public opinion like the Raleigh News and Observer call for a halt to this indefensible practice.

News
Birmingham, Ala.

Southern Legal Chiefs Study Segregation Case

APR 9 1941

APR 9 - 1941

MONTGOMERY, Ala.—(AP)—A second conference of Southern attorneys general will be held here soon to work out details for joint action before the U. S. Supreme Court in a case involving railroad segregation laws, Atty. Gen. Thomas S. Lawson said Wednesday.

Lawson said final details of an intervening petition in a case which originated when Representative Arthur W. Mitchell, Negro congressman from Illnois, was requested to leave a sleeping car in Arkansas would be worked out.

Preliminary plans for the intervention were discussed at a recent meeting of Southern legal authorities called by Lawson, who said the case was regarded as a threat to racial segregation laws in general.

Pittsburgh Courier
Pittsburgh, Pa.

10 STATES PLAN SINGLE BRIEF IN MITCHELL CASE

APR 5 1941

MONTGOMERY, Ala., Apr. 3—Attorneys General of the ten Southern States including Alabama, that now have race segregation laws on their statute books, will join in a single brief and argument in defense of those laws, to be filed with the U. S. Supreme Court before April 28 in a case now pending before that tribunal which the State officials concerned, believe threatens them all.

The case in point is the proceeding brought by Illinois Congressman Arthur Mitchell growing out of an incident that occurred three years ago when he was required to vacate a Pullman car when the train in which he was riding crossed the Arkansas line, and move into space provided in another car for Negro passengers.

Argus
St. Louis, Missouri

ROY WILKINS VERSUS MITCHELL

APR 4 - 1941

Roy Wilkins, assistant secretary of the National Association for the Advancement of Colored People, in his column in the New York Amsterdam Star-News, date of March 29th, makes a bitter attack on Congressman Arthur W. Mitchell of Illinois because of the way the latter conducted his suit before the United States Supreme Court. Among other things Wilkins' article said:

> In its forthcoming opinion in the Jim Crow railroad suit of Congressman Arthur Mitchell of Illinois the United States supreme court may take in the whole Jim Crow car situation. If it does so, it will not be because of any activity in that direction by Congressman Mitchell who continues to act his part of the Greatest Mistake in Negro political history.

APR 4 1941

> Mr. Mitchell from the very beginning has maintained that he is interested only in separate but equal accommodations on railroads. He brought this suit, not for the Negroes of the United States, but because he, Congressman Mitchell, was forced to sit in a filthy Jim Crow coach. He has intimated many times that if the coach had been clean, perhaps he would not have brought the suit.

Judging from Wilkins' comment, we assume that he has made many trips South in the Jim Crow cars and that he has been pushed about and humiliated time and again, but he has never had the courage or the manhood to bring a suit in protest against such humiliation and Jim Crowism. Mr. Mitchell has brought his suit in his own name and at his own expense and if he wins before the United States Supreme Court a mighty blow will have been dealt the whole Jim Crow system in the South. The United States Supreme Court has ruled that where there is separation, equal accommodations must be provided. Mr. Mitchell has based his case upon the fact that the Jim Crow car in which he was forced to ride was filthy and dirty and he does not propose to allow such conditions to continue if suing the railroad company will prevent it. Wilkins says that the Congressman does not care about the feelings of the ordinary Negroes who are forced to ride in the Jim Crow cars, but Mitchell's suit proves that the Congressman is fighting for the rights of the Negroes, whereas Roy Wilkins is sitting back in his office in New York criticising the efforts of Mr. Mitchell.

APR 4 1941

If, as Wilkins says, the suit by Mr. Mitchell was not broad enough, why did not he or the NAACP, of which, as previously stated, he is the assistant secretary, ask leave to file an intervening petition before the United States Supreme Court, just as the governor of Alabama and several other governors of the southern states file intervening petitions to keep the United States Supreme Court from giving adverse decisions to what they call "southern traditions." If Wilkins was interested in the ordinary Negroes who are "kicked around" in the Jim Crow cars and buses why doesn't he file a suit in the behalf of these people? No, he would rather criticise the effort of the man who will really do something for his race.

Congressman Mitchell has said that certain leaders among our race, including Roy Wilkins and Walter White, do not like him personally because he (the Congressman) does not take dictation from the "hierarchy" of the National Association for the Advancement of Colored People. But be that as it may, we see no justification in the attack upon the Congressman for filing a suit against the railroad for discrimination when he is paying his bill and is not asking one dime from either Roy Wilkins or the N. A. A. C. P.

We have just noticed a release which states that the N. A. A. C. P. has contributed one hundred dollars to the United Transport Service Employees of America to be used for legal expense money in a fight against the mediation board involving the red caps. But not one dime so far as we are able to learn has been contributed toward helping to fight the nefarious Jim Crow cars of the South in the suit of Congressman Mitchell.

Advertiser
Montgomery, Ala.

New Parley Called In Jim Crow Case

APR 9 - 1941

A second conference of Southern attorneys general will be held here within a week to work out details for joint action in the Arkansas railroad racial segregation case pending before the U. S. Supreme Court, Atty. Gen. T. S. Lawson said Tuesday.

Attorneys general of a number of Southern States met here recently at invitation of Mr. Lawson and decided to intervene in the pending case. A 30-day extension of time for filing a brief was obtained from the Supreme Court. The coming conference is expected to finish the work begun at the first.

APR 9 - 1941

The Arkansas case originated when Arthur Mitchell, negro congressman from Illinois, was forced to leave a Pullman in Arkansas. Its decision is expected to affect similar segregation laws in other Southern States.

Outcome of the case has attracted interest in the South from Texas to Virginia. Atty. Gen. Lawson conferred about it via telephone Tuesday with Jack Holt, attorney-general of Arkansas and Abram Staples, Virginia's attorney-general.

Christian Recorder
Philadelphia, Pa.

News At A Glance

NEGROES RATE EQUAL RAIL ACCOMMODATIONS, HIGH COURT IS TOLD

APR 3 1941

Contention Outgrowth of Congressman Mitchell's Case

WASHINGTON, D. C.—An (ANP) Release announced: Solicitor General Francis Biddle told the supreme court Thursday that railroads should give Negroes traveling from one state to another accommodations equal to those provided for whites.

This contention was presented by the justice department in a brief filed in connection with litigation brought by Representative Arthur W. Mitchell, only Negro congressman. Mitchell contended he was "forcibly ejected" from a Pullman car in Arkansas while traveling from Chicago to Hot Springs in 1937.

APR 3 1941

Biddle noted that although the supreme court had ruled that a railroad "without regard to the inter or intrastate character of the journey, had power to segregate white and colored passengers," it had been assumed that "the separate accommodations must be of equal quality."

Black Dispatch
Oklahoma City, Okla

Southern States Console Themselves Over Mitchell Jim Crow Decision In Court

Elated Because High Tribunal Failed to Outlaw Traditional Segregation

Solon Plans To Stiffen Inter-state Act

MONTGOMERY, Ala.—(ANP)—The opinion of the white official South generally over the supreme court decision in the Congressman Mitchell jim crow railway case, seems to be one of passing the buck to the railroads while hugging themselves with joy, because their dear and traditional segregation laws remain untouched. Here in Montgomery where attorney-generals of 10 states were rallied to interpose a brief in the defense of the Interstate Commerce commission against the Mitchell chages, the first public statement was issued. Atty. Gen. Lawson who issued the call to other southern states to rise and oppose liberalization of southern customs, is hoping to be a candidate for governor of Alabama at the next election. His gesture may well be regarded, therefore, as a bid for attention from prejudice loving whites in the state, in the hope they would look with favor upon his candidacy.

In a statement made by his assistant, Siles Coma Garrett Ill, the claim was made that "the Arkansas test jim-crow case was a negative victory for the 10 southern states which interceded."

"The decision is construed as a negative victory because the court abstained from ruling on the constitutionality of the Arkansas jim-crow car law", said Garrett. "In short, Mitchell now has a case against the railroad but was defeated in his prime objective of invalidating the jim-crow laws.

"If this interpretation is accuarate then, it may be said that the present mode of segregation as practiced in the South is unaffected by the opinion. It is travel as usual."

In Chicago, when the Montgomery account was read to him, Congressman Mitchell took a different viewpoint.

"Those southerners are just making a noise, whistling in the dark", he said. "I shan't enter any controversy, I shall merely go on my way as I have ever since I have been in congress, but this case is a victory for Negroes if they have sense enough to appreciate it.

"It's childish if anyone thinks one decision of the supreme court is going to settle a practice which has been built up over the years. What the white people of the South are trying to do is to make us feel we are defeated in our purpose and, if we accept that attitude, we are.

"I have a bill in congress now which if it passes will make any agent liable to penalty who refuses to comply with the requirements of the interstate commerce act.

"This is a real move toward real democracy and the greatest advance made during my life time to wipe out the old traditional prejudices and mistreatment of the South. The South is America's number one problem. This victory is a step toward its solution."

Pittsburgh Courier
Pittsburgh, Pa.

Calls Mitchell's Victory Negative

MAY 10 1941

MONTGOMERY, Ala., May 8—(ANP)—The opinion of the white official South generally over the Supreme Court decision in the Congressman Mitchell jim crow railway case seems to be one of passing the buck to the railroads, while hugging themselves with joy, because their dear and traditional segregatoon laws remain untouched. Here in Montgomery, where attorneys general of 10 States were rallied to interpose a brief in the defense of the Interstate Commerce Commission against the Mitchell charges, the first public statement was issued.

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MAY 10 1941

Daily World
Atlanta, Georgia

Congressman Mitchell's Victory

By Councilman Nicholas Klein
Of Cincinnati, Ohio

ON CLOSE EXAMINATION, the muchly heralded victory in the U. S. Supreme Court of the Chicago colored Congressman is not much of a victory after all.

The question of discrimination has not been settled at all. In fact, this decision may prove somewhat harmful in years to come for those who are making the fight for equality and democracy right here in our own land.

The fundamental question whether a member of the Negro race is at all times entitled to a Pullman regardless, is still very much in the air.

We wish it were possible to welcome without reservation the Supreme Court decision that Negroes traveling from one state to another are entitled to railroad accommodations equal to those of white passengers. Unfortunately, however, while the decision bars discrimination in the quality of the service offered, it evades the whole issue of segregation which is the foundation of discriminatory practices. Chief Justice Hughes, speaking for a unanimous court, stated: "The question of whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation, but one of equality of treatment." But it is hypocritical to speak of equality of treatment and leave segregation intact.

It is a sad commentary on the status of the four freedoms in this country that seventy-three years after the ratification of the Fourteenth Amendment it can be considered even a partial victory for the civil rights for the Supreme Court to declare that Negroes have the right to ride in Pullmans. Undoubtedly, even this has come as a result of the deep ferment among the Negro people and their growing resistance to the oppressive social taboos imposed upon them by the white rulers of America. In the past the Supreme Court has specifically approved state laws providing for segregation on railroads. The present decision may well be used to fortify this vicious practice. In that event the Court would be granting a small concession in order to better to deny a more fundamental right.

—From The Cincinnati (Ohio) Independent.

Chicago Defender
Chicago, Illinois

MITCHELL DECISION

MAY 10 1941

The United States Supreme Court has ruled that the railroads must provide pullman accommodations to Negroes, thus providing another instance in which an appeal to the highest court in the land has redounded to the advantage of the Race. Congressman Arthur W. Mitchell, who carried the case to the high court after having been forcibly ejected from a pullman car in Arkansas, deserves commendation for fighting this cause to the finish.

There can be little question that the Supreme Court is more liberal in its viewpoint now than at any time during the last quarter of a century. However, careful examination of recent important and widely heralded decisions reveals a studied effort to avoid a clear cut opinion that would settle at once all moot questions involving the constitutional rights of Negroes.

MAY 10 1941

The Gaines case provides us with an illustration of this point. The decision in this case was at first regarded as a death blow at jim-crow educational institutions. Many people believed that as a result of this decision Negroes would be admitted to the University of Missouri and to other white Southern institutions. Subsequently it was discovered that this decision did not probe to the root of the problem. As a result Negroes in Missouri have received only

In this case the court had a chance to consider the constitutional issues involved in restrictive covenants; and here again although the court ruled in favor of the Negro appellants, the decision proved a dud. Instead of ruling on the broad issues involved in the case, which vitally affect the living conditions of Negroes throughout the United States, the court confined itself to technical aspects of the particular case presented.

MAY 10 1941

Once again in the Mitchell case the Supreme Court has limited itself solely to a consideration of the question of equal accommodations, and has avoided a ruling on the basic question of segregation. It is inevitable that the Supreme Court will eventually have to face this latter question, for, in the final analysis the cases presented arise out of discriminations resulting from the basic evil of segregation.

Monroe Trotter long ago pointed out that there is no just foundation for providing separate accommodations. This practice arises solely out of the desire of certain states to single Negroes out for special treatment, thereby conferring upon them the status of inferiors. So long as such a practice prevails, Negroes must continue to fight for decisive legal victories that would outlaw all forms of jim-crowism and discrimination.

Chicago Bee
Chicago, Illinois

JUBILANT

MAY 4 - 1941

MAY 4 - 1941

ATTY. R. E. WESTBROOKS

Brilliantly handled the railroad case for Congressman Arthur W. Mitchell, who won a decision from the U. S. supreme court saying that Negroes should be allowed equal Pullman accommodations.

Chicago Defender
Chicago, Illinois

THE MITCHELL CASE

Dear Editor: Negroes are excited and talking about the fact that the Supreme Court decision in the Mitchell case has declared equal accommodations for us. However, we fail to comprehend the chief weapon which this decision supplies.

If the decision means no more than equal accommodations, we will be just where we were 30 years or more ago, following a former high court decision handed down under Taft.

JUN 7 1941

What our people must not fail to grasp is the fact that this decision does not take up the question of segregation but states simply that the Arkansas separate coach law cannot apply to an interstate passenger. In other words, if I buy a coach ticket from Chicago to a point in Texas, Oklahoma, Arkansas or Louisiana, the railroad can no longer jim-crow me in compliance with the jim-crow laws of these states.

It is only if I buy a ticket from, e.g., Waco, Texas to San Antonio, Texas, that the railroad is forced to comply with the Texas segregation law. The railroad can now legally use their jim-crow cars for intra-state passengers only.—J. H. Jenkins. Washington, D. C.

Chicago Bee
Chicago, Illinois

Kresge's Under Fire For Lunch Counter Jimcrow

JUN 22 1941

The Chicago Branch, N. A. A. C. P. reported this week that a new wave of restaurant discrimination against Negroes was being felt in Chicago. Despite the law which specifically prevents any restaurant or eating place from discriminating against persons because of race or color, Chicago restaurants continue to refuse service to Negro citizens.

Mrs. Venus Taylor, 6019 South May street, and Miss Rose L. Purnell of the same address waited 45 minutes at the lunch counter of Kresge's 5 and 10 cent store, 63rd and Halsted streets. During that period, one white patron after another was served. The white waitress, when questioned, stated that she was 'too busy to serve them" and laughed at the two ladies.

Only Serve Negroes in Paper Cups

Mrs. Ophelia Shields, 3636 South Parkway, and Miss Costella Evans, 1829 Cuyler avenue, asked for chocolate sodas at Kresge's 5 and 10 cent store at 3141 North Lincoln avenue and were informed by the waitress that they could only be served in paper cups as it was against the policy of the store to serve Negroes in glasses.

Both cases have been turned over to the legal redress committee of the N. A. A. C. P. for action against the two stores.

The Chicago Branch intends to fight every infringement against the rights of Negroes and urges citizens to report all cases of discrimination immediately upon their occurrence to the local office. 3456 South State street.

New York Times
New York, N. Y.

I. C. C. REOPENS CASE OF 'JIM CROW' CARS

Will Review Policy as Result of Supreme Court Ruling

Special to THE NEW YORK TIMES.

AUG 3 1941

WASHINGTON, Aug. 4—The Supreme Court having decided that Negroes are entitled to Pullman accommodations and other first class services equal to those white passengers receive on railroad trains, the Interstate Commerce Commission today announced that the complaint by Representative Arthur W. Mitchell, Democrat of Chicago, against the Chicago, Rock Island and Pacific Railway Company would be reopened.

The Commission had decided on Nov. 7, 1938, against Mr. Mitchell's contention that "jim crow" practices were illegal. The Negro Representative had been removed by the railroad from a Pullman car to a second-class Negro car as he neared the Arkansas border in April, 1937. The Negro car, he complained, was "filthy and foul smelling."

Mr. Mitchell took the case to the Supreme Court. Ten Southern States protested against any review of the constitutionality of State "Jim Crow" laws as applied against travelers in interstate commerce, but Chief Justice Hughes declared that the issue was not a question of segregation but one of equality of treatment and that therefore it was unnecessary to consider the protest of the ten States.

The I. C. C. had dismissed the Mitchell case on the ground that "because there was comparatively little colored traffic" the lack of equal accommodations was not unjust or undue. It now orders the complaint reinstated, "to the end that such other and further proceedings may be had and such other and further orders may be entered in conformity with the opinion of the Supreme Court of the United States rendered April 28, 1941, on the appeal decided therein and according to right, justice and law of the United States."

Daily World
Atlanta, Georgia

MITCHELL 'OVERJOYED' ON HEARING VERDICT

APR 30 1941

Southern Opposition Called Sorry Sight

CHICAGO—(ANP)—Congressman Arthur W. Mitchell was in Chicago to deliver an address before the National Association of Postmasters when he learned of the favorable decision of the United States Supreme court in his case against the Inter-State Commission and the Chicago, Rock Island and Pacific Railway. The court decision will make it mandatory that railroads give equal accommodations to travelers regardless of race when they are traveling from one state to another.

APR 30 1941

"Naturally I am overjoyed at the verdict," Mitchell told an ANP reporter in his office in the Regal Building.

"This is the first time that a real court action, aimed at the heart of Jim Crow has been filed, properly presented and fought through to a conclusion," the congressman asserted.

"I fought the case single handed," he continued. 'Richard Westbrooks, that able attorney from this city and I did all the legal work and I paid every cent of the expenses out of my own pocket. The NAACP and a few individuals wished to enter the case after it appeared that I had a chance to win, but I was determined to complete the task myself.

"One thing you can say and that is that Arthur Mitchell is a fighter and can be counted upon to stay in the battle to the finish. What a sorry and contemptible sight the attorney generals from those ten states, sworn to uphold the constitution of the United States represent. Crawling to court that sought to nullify the statute which gave to all American citizens equality under the law which they within the confines of their individual states deny. Negroes will now be able to travel from north to south and from south to north decently if they wish to pay for that type accommodations."

Daily World
Atlanta, Georgia

RAILROADS FACE RACE PROBLEMS

APR 30 1941

WASHINGTON—(S N S)—Representative Arthur W. Mitchell (Democrat, Illinois), who Monday won his fight for equal railroad accommodations for Negroes through the unanimous Supreme Court decision, Tuesday said the victory "marked a step in the destruction of Jim Crow."

Southern railroads admittedly faced one of the most perplexing race problems since Reconstruction Days—provision of Pullman, dining and parlor car accommodations for Negroes "substantially" equal to those provided for whites.

The Supreme Court decision reversed the Interstate Commerce Commission's ruling in the case of Representative Mitchell, who sued after he was compelled in 1937 to move from a Pullman car to a "Jim Crow" coach while traveling in Arkansas.

The matter of segregating Negro and white passengers was not discussed by the court. The problem to the ICC is the manner in which equal accommodations to Negroes can be accomplished. That factor was decisive when the ICC acted, the commission finding that the cost of the extra Pullman facilities for Negroes was not justified by the demand.

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The commission probably will have to produce a answer to the problem, however, since the court remanded to it Mitchell's request for "reasonable" regulations on the subject.

Tribune
Philadelphia, Pa.

Mitchell Fought R. R. Bias

MAY 1 - 1941

Congressman Spends $7,000 On Case After Ejection From Pullman

By G. JAMES FLEMING

Jim-crow on railroads was dealt a body blow Monday when the United States Supreme Court held that "colored persons who buy first-class tickets must be furnished accommodations equal . . . to those afforded first class white passengers."

Most of all, however, the decision was a victory in the direction of liberalism and "the American way," and a personal triumph for Congressman Arthur W. Mitchell who initiated the proceedings fours years ago when he was forced to leave the Pullman accommodations he had paid for and occupy a second-class coach as the train approached the Arkansas border.

MAY 1 - 1941

IN RIGHT DIRECTION

Because every gesture and every ruling which strikes at the forces which would continue narrow racial discriminations must be considered "to the good," the high court's decision in this case is highly important—even if the railroads and the southern states can get around it, as some think.

The decision provides Negroes with the tools to fight the jim-crow practices, and makes race discrimination more costly to those who want to indulge in this luxury.

Coming at a time when there is a great deal of mouthing on saving democracy, the decision is also in keeping with current sentiment, and this sentiment may implement the bare verbiage of the edict, as read by Chief Justice Charles Evans Hughes.

MAY 1 - 1941

NO DISSENT

Without a dissenting voice, the decision upheld the arguments of Congressman Mitchell and his counsel, as against the arguments of the Interstate Commerce Commission, the railroads, and ten attorneys-general of southern states. This unanimous action, under the circumstances, also gives the decision added significance.

But the Supreme Court's words, by themselves, will not bring the millenium and will not mean that Negroes will be able to travel just like other citizens with the capacity to pay their way, or that they can enter Pullman diners anywhere in the country without embarrassment. It does not mean that the southern states will not find ways, in conjunction with the railroads, to maintain their shibboleths of race superiority.

If just the edict of the court was sufficient, then the U. S. Constitution, the civil rights laws in the several northern states, and hundreds of executive edicts and rulings would have already erased most of the discriminations against Negroes.

JIM CROW RULINGS

MAY 1 1941

Even a stone's throw from the Supreme Court, Negroes are still barred from government dining rooms, or are being served in jim-crow headquarters, and even the House of Representatives restaurant will not serve Negroes, unless they are in the company of a Congressman. These same discriminatory practices are also found in the Civil Service, the several Federal departments, and in defense jobs supported by the public funds.

But the Mitchell decision is a step in the right direction.

Having heard that Mr. Mitchell was made to leave his Pullman car and travel in a "filthy and foul-smelling coach," and after going over the rulings of the lower courts and the ICC which held in favor of the railroad the court declared:

COURT'S ARGUMENT

"This was manifestly a discrimination against him (Mitchell) in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro. The question whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation but one of equality of treatment.

MAY 1 - 1941

"The denial to appellant of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against State action by the Fourteenth Amendment and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust. In that aspect it could not be deemed to lie outside purview of the sweeping prohibitions of the Interstate Commerce Act."

Arguments by Rep. Mitchell and his counsel, Atty Richard Westbrooks of Chicago, were heard by the Supreme Court on March 13. He told how he had been denied Pullman accommodations and forced to travel second class in a jim crow car. Both the ICC and the federal district court for northern Illinois dismissed his case, resulting in an appeal to the high court.

MAY 1 - 1941

THE ANTI-MITCHELL LINE-UP

J. Stanley Payne, ICC assistant chief counsel, and Wallace T. Hughes, attorney for the railroads involved, the Chicago, Rock Island and Pacific, attempted to defend their stand arguing that the demand by Negroes in Arkansas for Pullman facilities was "virtually non-existent."

Solicitor General Francis Biddle filed a brief in support of Mr. Mitchell contending that the Arkansas separate coach law under which the congressman was ejected did not apply to an interstate passenger. He pointed out also that the small number of Negroes asking for first class accommodations did not justify an occasional discrimination against them because of their race.

In an attempt to prevent a decision involving the Arkansas separate coach law, similar to those in other southern states, the attorneys-general in their brief contended that this was "not a question invoiving the 14th amendment" and stated that the separate coach law and the question of its constitutionality "are not properly before the court for consideration and determination."

COST OVER $7,000

MAY 1 - 1941

Congressman Mitchell pushed the case personally, spending over $7,000 of his own money. In addition, he personally took part in the oral arguments before the Supreme Court He refused all aid by outside person and individuals, and turned down flat an offer by the National Association for the Advancement of Colored People to enter the case.

In a long distance interview with the Tribune, Mr. Mitchell, speaking from Chicago, expressed his joy in the outcome of the suit.

"I am very glad that the southern

states intervened," he also said. "It was no more than an attempt at intimidating the Supreme Court, but the days of that type of intimidation is over for the southern states. I think this is a red-letter day for Negroes, and from this day on we will continue to wipe out unjust segregation.

APR 1 - 1941

"This case has cost me $7,000, but it is the greatest investment in my life—and when I stood up before the Supreme Court and pleaded in the interest of my people, I reached the climax of my life."

QUESIONS EFFECTIVENESS

Locally, several legalists began questioning the effectiveness of the Mitchell decision. Since the National Association for the Advancement of Colored People has had long experience in cases before the U. S. Supreme Court, the TRIBUNE telegraphed Walter White, its executive secretary, for his reactions to the edict. His telegram read:

"Supreme Court decision in Mitchell case gratifying psychologically but it goes no further than one handed down in 1914, also by Chief Justice Hughes, in McCable vs. Atchison, Topeka and Santa Fe Railway Company. Both decisions ignore fundamental issue of segregation and merely provided for substantial equality of accommodations which we Negroes know South will not pay for. Distinctly feel that decision does not go far enough. The time for real jubilation will be when the Court unequivocally strikes down all methods of segregation on account of race, creed or color."

Age-Herald

Birmingham, Ala.

DISCRIMINATION BY EMPLOYERS IS RULED UNFAIR

APR 29 1941

NLRB Can Order Hiring Of Rejected Men With Back Pay

WASHINGTON, April 28—(AP)—The Supreme Court held Monday that the Wagner act prohibits anti-union discrimination in the hiring of workers, as well as in their firing.

APR 29 1941

Under this new and far-reaching rule, the court upheld the power of the Labor Board to compel a company to hire men alleged to have been refused jobs because of their union affiliations. The board also can direct the company to give such men "back pay" from the time of their rejection.

But the board may not take such actions automatically. The court's opinion, by Justice Frankfurter, was careful to specify that the board must find in each case that such orders are necessary to effectuate the purpose of the act—that is, to abate labor strife.

The board failed to do this, the decision said, in the case at issue invloving the Phelps Dodge Corporation and two CIO copper miners of Bisbee, Ariz. Therefore the court ordered further proceedings by the board.

In another important case Monday the court decided that Negroes must be furnished as good accommodations as whites for interstate travel. Representative Arthur W. Mitchell (D., Ill.), only Negro congressman, filed the test suit after being removed from a Pullman to a "Jim Crow" day coach in Arkansas in 1937 during a trip from Chicago to Hot Springs.

Equal Rights Called Issue

Ten Southern states had filed briefs defending their segregation laws but the court did not pass on this question, the uninimous opinion by Chief Justice Hughes declaring the issue to be equal rights, not segregation. This apparently indicated that Southern states might continue to segregate Negroes in separate cars as long as accommodations equal to those of whites, or Pullman cars, are provided for them.

The Phelps Dodge case was technically a 5-2 decision, with Justice Roberts not participating and one place on the bench vacant. But Justice Stone, in a dissenting opinion in which Hughes joined, agreed that refusal to hire men because of their union membership would be an 'unfair labor practice' under the law.

APR 29 1941

Hughes and Stone dissented only from the findings that the board had the "unprecented" power to compel employers to hire such men and give them "back pay"—an action Stone wrote, "which had very generally been thought ot be beyond the power" of courts. Their position apparently was that the board had power only to order employes of "cease and desist" from discriminatory employment practices, although they did not clarify this point specifically.

Separate Opinion Concurs

On the other hand Justice Murphy, in a separate concurring opinion joined by Justices Black and Douglas, contended that the board's order should have been upheld flatly instead of being remanded for a determination of whether it was necessary to carry out the purposes of the act. They held that the board already had found it necessary.

On this point, Frankfurter's majority opinion asserted that "the board determined only the dry legal question of its power, which we sustain; it did not consider whether in employing that power the policies of the act would be enforced." It ordered the men employed and paid "merely because it asserted its legal power so to do," he said.

"The power with which Congress invested the board implies responsibility—the responsibility of exercising its judgment in employing the statutory powers," the decision said.

"The act does not create rights for individuals which must be vindicated according to a rigid scheme of remedies. It entrusts to an expert agency the maintenance and promotion of industrial peace.

"All we ask of the board is to give clear indication that it has exercised the discretion with which Congress has empowered it. This is to affirm most emphatically the authority of the board."

Frankfurter's 16-page opinion went at length into the philosophy of the finding that discriminatory hiring was an unfair labor practice. Some excerpts:

"The denial of jobs to men because of union affiliations is an old and familiar aspect of American industrial relations."

"Protection of the workers' right to self-organization does not curtail the appropriate sphere of managerial freedom; it furthers the wholesome conduct of business enterprise."

The Wagner act "leaves the adjustment of industrial relations to the free play of economic forces but seeks to assure that the play of those forces be truly free."

On the basis of this decision the court upheld another labor board order directing the Continental Oil Company to reinstate with back pay two men alleged to have been discharged for union activity. One had become a storekeeper and postmaster at Parkerton, Wyo., and the other a Wyoming penitentiary guard and the company contended they were no longer "employes."

The court also upheld the Labor Board in an order grouping six plants of the Pittsburgh Plate Glass Company's flat glass division, in five states, into one unit for collective bargaining and denying workers at the Crystal City, Mo., plant the right to make their individual selection of a bargaining representative. The Crystal City Glass Workers Union, unaffiliated, claimed a majority at the Crystal City plant while a CIO union claimed a majority throughout the division. The board held that the unaffiliated union was company-dominated.

In the opinion in the Mitchell case, Justice Hughes said that "the denial to appellant (Mitchell) of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the fourteenth amendment" to the constitution.

The opinion also said that there was "no room" for consideration of "practical difficulties" in providing Pullman accommodations for Negroes where traffic was light and that "the discrimination shown was palpably unjust and forbidden by the (transportation) act."

The court also held that "there is nothing in the history of bankruptcy or reorganization legislation to support the theory that Congress intended to set the federal courts up as super-assessment agencies over state taxes."

Justice Black delivered the decision, which ordered the Federal District Court at St. Louis to dismiss litigation involving contentions by the Missouri Pacific Railroad Company that it should withhold payment of $416,043 of taxes claimed by Arkansas and 51 counties of the state for 1939 until the legality of the assessment was determined by the federal tribunal.

Black said, that the policy of revising and redetermining state tax valuations contended for by the railroad's trustee "would be a complete reversal of our historic national policy of federal non-interference with the taxing power of states."

No dissent was announced. Justice Douglas did not participate.

Arkansas officials had contended that state law required an appeal to a state court instead of to a federal tribunal.

A temporary injunction against collection of the taxes was granted by the federal court, which is supervising the reorganization of the railroad under the federal bankruptcy act. This legislation, the federal court held, authorized it to pass on the tax assessments.

The levy was challenged on the ground that the valuation of the company's property in the state had been placed at $28,050,000 instead of $16,830,000 and that "too great weigh was ascribed to original cost and to cost of reproduction."

Wetumpka, Ala., Herald

May 1, 1941

JIM CROW" LAWS ATTACKED IN UNITED STATES COURT

Lawson Submits Brief

Montgomery, Ala. — Attorney General T. S. Lawson announced here last week an "amicus curiae" (friend of the court) brief, the composite work of 10 Southern attorneys general, had been forwarded to the U. S. Supreme Court in an effort to keep intact Southern race segregation laws, which alleged have been threatened by the attack of Rep. Arthur Mitchell, Illinois negro Congressman, on Arkansas' "Jim Crow" laws.

The Alabama attorney general stated the 50 page brief, prepared under his and the other attorneys' directions, urges the court to abstain from passing on the constitutionality of the segregation statute, embodied in the law of each of the 10 states.

Principal arguments set out in the brief follow:

1. The review of an order of the Interstate Commerce Commission is limited.

2. The Federal courts will not enter a "sensitive area" of social policy unless no alternative for its settlement is at hand.

3. The questions of the applicability of the Separate Coach Law of Arkansas to interstate passengers, and its constitutionality, if applied to interstate passengers, are not properly before the court for decision.

4. Congress is the proper forum to which an appeal to abolish the practice of race segregation should be made, a fact conceded by Mitchell.

5. State segregation statutes do not violate the 14th Amendment to the Federal Constitution.

Summing up the case to date, the Attorney General pointed out that until it reached the courts, Mitchell had contemplated no attack on the statute's constitutionality. The negro Congressman filed a petition for redress, with the Interstate Commerce Commission, sometime after he had been "forcibly ejected" from a Pullman in Arkansas while riding from Chicago to Hot Springs in 1937. He sought redress he claimed for being deprived of something (a Pullman seat) for which he had paid; in fact, he said he was invoking protection of the State's law. The constitutional question was raised in arguments by U. S. Solicitor General Francis Biddle.

Attorney General Lawson contended that Mitchell's plea before the Commerce Commission gives support to the foregoing assertion. Mitchell's argument, quoted in part follows:

"We asked a rule that the railroad be compelled to desist from its practice and to give those things to the colored people that the law of Arkansas provides they shall have.

"I wish the court would remember that they enforce rigidly that part of the law which provides that they must travel separately. As a group who have to suffer the inconveniences of such a law, we contend that if you are going to 'Jim Crow' us and put us off, then we are entitled to the benefits of the law that we at least ought to have equal accommodations.

"There is no question of segregation involved. We have not said to the railroad that it must let us ride together with the white people. I care as little about riding with white people as they care about riding with me, but if I buy first-class passage to ride on the Rock Island or any other railroad in the United States, under my constitutional rights I am entitled to the same treatment as any other man is entitled to regardless of color."

The brief was signed by these attorneys general:

Jack Holt, Arkansas; J. Tom Watson, Florida; Ellis Arnall, Georgia; Hubert Meredith, Kentucky; Eugene Stanley, Louisiana; Greer L Rice, Mississippi; W. F. Barry, Tennessee; Gerald Mann, Texas; Abram P. Staples, Virginia; Thomas S Lawson, Alabama.

30-1941

ILLINOIS

Asheville, N. C., Times
May 2, 1941

The Mitchell Case

HAVING ruled previously that Negro schoolteachers must be paid on a basis of equality with white teachers, the Supreme Court consistently and justly decides that a traveler buying a first-class ticket must be given all the "standard conveniences and privileges" regardless of race.

Reading the decision, Chief Justice Hughes states that the question of segregation is not an issue, but that the question of discrimination in service is very much an issue. Therefore, he added, the recent protest of ten Southern Attorneys General with regard to the segregation laws of their states is entirely without bearing on the case.

In other words, Representative Arthur W. Mitchell, only Negro member of Congress and a man in no sense a mischievous agitator, did not complain against segregation when he was put out of a Pullman car at the Arkansas border. He complained because of the lack of standard accomodations in the second-class car to which he was removed. He paid for service and didn't get it.

The Interstate Commerce Commission refused to act in the matter because there is "comparatively little colored traffic." Chief Justice Hughes replies that it is not a question numbers, but of "inequality" of railroad accommodations.

And so there is no "social problem" raised in this decision. Just as the Southern states are taking steps to remove discrimination in payments of teachers, so the railroads will have to provide equality of service on their trains.

Daily World
Atlanta, Georgia

Arthur Mitchell Wins

MAY 2 - 1941

Congressman Mitchell won his case Monday when the U. S. Supreme Court ruled that equal facilities should be provided by railroads for Negro passengers. Mr. Mitchell was ejected from a Pullman while traveling through Arkansas in 1937, for which he had paid the fare in Chicago where he bought a ticket to Hot Springs.

The Court's decision does not remove the "jimcrow" angle from traveling in the South; it merely acknowledges it. It does, however, outlaw the practice of accepting money from a Negro passenger at a northern origin for Pullman and other services and refusing to give these services once southern territory is reached. We know of what Mr. Mitchell experienced but who knows the hundreds of others who may have had similar ones but never "pressed" them.

MAY 2 - 1941

What the Mitchell case will mean is, better seating and lighting conditions in "colored coaches" dining car service for Negro passengers and Pullman service on each train. These will entail more preparations by railroad officials or a curtailment of Negro traffic in some sections.

Amsterdam News
New York, N. Y.

Comments On Mitchell Case

(By William Pickens for ANP

He has certainly represented his race well in the courts; he has stuck by this railway segregation case, or rather this DISCRIMINATION case, for three years, and now he has won it in the Supreme Court of the United States. His victory is a victory for all of us, even for the white Americans. He makes civilization better for black and white. There was really no way for the Supreme Court to decide otherwise, if the case were properly presented to them. Mitchell saw that it was properly presented. So many Negroes have been faint-hearted in similar cases, and have not even dared to try, to try to the last ditch.

MAY 10 1941

The court, consistent with its precedents, has decided that all Americans are entitled to EQUAL ACCOMMODATIONS in public services that are subject to federal laws. Interstate commerce (in cattle) and interstate travel of humans, is subject to national law. If a Negro buys a Pullman ticket in Chicago, for New Orleans, there is only one way in which he can be excluded from the Pullman in which whites also ride, and that is the furnishing of a separate Pullman car for him. The excuse cannot be made that he is only ONE passenger: American citizens do not have to come in multiples to have their rights. Each citizen has his own rights, as perfectly as if he were 20 or 20,000. That is democratic civilization, and that is why Hitler thinks we are crazy.

This puts the South up against it again: this time they did their best to beat Mitchell. They filed briefs against his case from all of the deep-south jim-crow states. But the Supreme Court has long ago sustained the right of a state to SEGREGATE, but denied the state the right to DISCRIMINATE. People can be separated, but must be treated with substantial equality. The railways cannot simply put the Negro OUT of a Pullman; they must put him INTO another Pullman.

MAY 10 1941

This decision is as basic and as far reaching as was the Gaines Case, in the matter of educational equality-rights, in the case from Missouri.

News
Birmingham, Ala.

Equal Accommodations

MAY 11 1941

The United States Supreme Court has decided that if one Negro customer wishes to buy a Pullman ticket the railroad must, if necessary, put an additional car on the train to accommodate him. This is one complication in the long effort to reconcile equality of treatment with the segregation of races which prevails in Southern states.

MAY 11 1941

The case will doubtless rank as an important precedent in the chain of cases establishing the rights of Negroes. Chief Justice Hughes, delivering the opinion, declared it is not enough to say that the accommodations were in keeping with the comparatively small amount of Negro traffic which would pay for first-class tickets.

All adjustments work momentary hardships, and this one is apt to be expensive in a number of instances to Southern railroads and to the Pullman Company. Yet the railroad involved in this suit has put a new, clean, air-conditioned coach into service in place of the one which was criticized as being ill-kept. Judicious persons will be moderate even in demanding their rights; but railroads may find a new source of Pullman patronage.—Christian Science Monitor.

Tribune
Philadelphia, Pa.

WHITNEY SAYS:

South Is Mortified

MAY 8 - 1941

Mr. Jim Crow received a death blow through the hard-won victory of Congressman Arthur W. Mitchell who has just obtained equality for colored passengers on interstate trains.

The victory is also significant for the fact that the U. S. Supreme Court disregarded the arguments of ten southern states with segregation laws, saying: "The question . . . is not a question of segregation but of equal treatment," and that "it is the individual who is entitled to the equal protection of the laws—not merely a group of individuals, or a body of persons according to their numbers."

The highest court in the land sustained Mr. Mitchell's contention that colored passengers traveling between states are entitled to the same or equal accommodations as white passengers for the same fare, after failure of his petition before the I. C. C. and U. S. District Court of Illinois.

MAY 8 - 1941

When in 1937 Mr. Mitchell, traveling from Chicago to Hot Springs, was forcibly ejected from his Pullman car accommodations and forced to ride in the "second class" Jim Crow car in accordance with Arkansas' segregation law, it was a violation of the Fourteenth Amendment of the U. S. Constitution, said the Court, "and admittedly that discrimination was based solely upon the fact that he was a Negro."

GROUNDWORK LAID

This test case may well be considered the groundwork in the battle against unconstitutional segregation laws of southern states where there is undoubted mortification over the Supreme Court's decision.

Congressman Mitchell's test case was pointed toward the South's segregation laws only indirectly, his main contention being that the railroad (not the State of Arkansas) violated his Constitutional rights under interstate commerce. The Court agreed: "The denial . . . of equal accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the Fourteenth Amendment." The Court also pointed out that equality of treatment is "a right specifically safeguarded by the provisions of the Interstate Commerce Act."

MAY 8 - 194

Our U. S. Constitution declares that no state shall pass any law which conflicts with it. Yet, nearly every state in the Union has laws which are a violation of the U. S. Constitution, and this is flagrantly true concerning race segregation and discrimination laws of many southern states.

It has been observed that in interstate and federal actions the Negro has won his greatest legal victories for racial and individual rights which are "guaranteed against state action by the Fourteenth Amendment." We should continue and accellerate this course of action until it spells the death of all anti-Negro legislation in every state.

Pittsburgh Courier
Pittsburgh, Pa.

BISHOP USES PULLMAN AFTER COURT RULING

MAY 10 1941

By F. D. MARTINEZ

MEMPHIS, Tenn., May 8—Bishop B. G. Shaw of the A.M.E. Zion church and Oscar Adams, church extension secretary, came to the city last week to attend church business, riding in a Pullman.

This is news only because they took advantage of the new Supreme Court ruling in the case of Arthur W. Mitchell, Congressman in the House of Representatives, who successfully fought discrimination, humiliation and segregation practiced by railroad companies and other public carriers of passengers, to the end that Chief Justice Charles Evans Hughes, himself, rendered the decision that Negro passengers may have separate places, but the interstate law, the law of American democracy, demands unequivocally equal accommodation. All Negroes traveling should make definite preparation to enjoy from now on the facilities made assured by this historic decision of the nation's highest court.

Greenville, S. C. Piedmont
April 28, 1941

Negro Wins In High Court

Blacks Traveling From One State To Another Entitled To Equal Rail Accommodations

WASHINGTON, Apr. 28—(AP)—The Supreme Court held today that negroes traveling from one state to another are entitled to railroad accommodations equal to those furnished white persons.

Chief Justice Hughes delivered the decision on a test case brought by Representative Arthur W. Mitchell (D-Ill.) the only negro member of congress. No dissent was announced.

Mitchell contended that he had been "forcibly ejected" from a Pullman in Arkansas, while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a jim crow car with second class accommodations."

"This," Hughes asserted, "was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a negro.

"The question whether this was a discrimination forbidden by the interstate commerce act is not a question of segregation but one of equality of treatment. The denial of appellant (Mitchell) of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the 14th amendment, and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust."

Clover, S. C., Herald
May 1, 1941

HIGH TRIBUNAL MAKES RULING

Hold Colored Must Get Same Accommodations As White

Washington, April 29.—Striking a stunning blow at "Jim Crow" laws and indirectly at all race segregation laws, the Supreme court Monday unanimously held that railroads must provide negroes with the same facilities and accommodations as are available for white people.

In the suit brought by Rep. Arthus W. Mitchell, democratic negro congressman from Chicago, the Supreme tribunal ruled that negro passengers making interstate railroad trips are entitled to the same class of accommodations as those furnished members of the white race in states which have separate coach laws.

Attorneys general from 11 southern states had presented briefs upholding the action of the Interstate Commerce commission in dismissing the complaint lodged by Mitchell following his ejection from a pullman car while traveling from Chicago to Hot Springs, Ark., in 1937. South Carolina did not participate in the proceedings.

Mitchell charged that he had been "forcibly ejected" from the pullman and was compelled to complete the journey "in a Jim Crow car with second class accommodations."

"This was manifestly a discrimination against him in the course of his interstate journey, and admittedly the discrimination was based upon the fact that he was a negro," Chief Justice Hughes declared in the unanimous decision which he read emphatically to a tourist-jammed court room.

The decision skillfully avoids dealing directly with the issue of race segregation, although the result clearly indicates a disapproval of the practice. It also avoids a direct outlawing of "Jim Crow" laws by saying only that "equal accommodations" must be provided. In practical operation, it is obvious that railroads cannot afford to equip their trains with dining cars and parlor cars for negroes alone, even though they have in the past been able to solve the pullman problem by permitting negroes to occupy compartments for the regular pullman fare.

Charleston, S. C. News & Courier
May 1, 1941

Decline of the Common Carrier

In the decision of the United States supreme court that "negroes must be furnished as good accommodations as whites for interstate travel" is nothing surprising or new. Negroes (not many) have been traveling through the South in pullman cars the last fifty years and longer.

The decision, so it is said, does not touch the question of racial segregation. The News and Courier opines that it would be discreet for the court not to touch that question. It might start a fire.

The matter of equal railroad accommodations has not the pertinence and importance that it formerly had. Were the colored people to over-run the pullman cars, objectors would abandon them. Persons who travel in pullmans are able to buy automobiles. The court's decision may be another blow landed on the business of the railroad companies.

Ways of travel are now become so various and convenient that race segregation is easy. One can think of railroad passenger transportation converted for the most part into transportation of negroes and leaving the well-to-do to travel in motorcars, including buses privately owned. So they could use privately owned airplanes.

While mass production has been increasing and has come to be, for the time, the characteristic of the economic order, mass transportation has been decreasing. It has been split into small units by the motorcar and the airplane. That is a plain fact that is generally ignored. It is revolutionizing the social habit. It is the tremendous truth that, in the long run, will defeat communistic and equalitarian efforts in the United States. The "Common Carrier" is on the decline.

Shelby, N. C. Star
May 9, 1941

WHAT OTHER PAPERS SAY

T 28

"JIM CROW" DECISION

(Greenville News)

The Supreme Court of the United States has upheld Arthur W. Mitchell, negro congressman from Illinois, in his contention that he suffered an unconstitutional discriminaton by being ejected from a Pullman car in Arkansas while on an interstate journey.

In this decision the court, one judge from press summaries, takes a position harmonious with that in various other recent decisions—that the races must be given equal treatment in the matter of public accommodations or public services or treatment.

The court does not hold against segregation of races, whether in public educational institutions or common carriers; but it holds that where there is segregation, the accommodations must be of equal character; or in general that there must be no discrimination as to treatment on the ground of race.

The Plaindealer
Kansas City, Kan.

MITCHELL AND THE NAACP

MAY 9 - 1941

When the United States Supreme Court handed a decision in favor of Congressman Arthur W. Mitchell's railroad case, 13 million Negroes shouted with joy. They were glad that another link in the chain of race discrimination and jim crowism had been broken. They were happy to hear the news and they are grateful to Congressman Mitchell's courage to fight until victory came.

Mitchell made an attack on the National Association for the Advancement of Colored People and demands all credit for the victory. He stated he spent $7,000 of his own money to win the case. We are not interested in any personal disputes between Mitchell and the NAACP and we don't think that the 13 million Negroes are either. Mitchell was elected a leader and he should stay in the lead and be big enough to keep any personal feelings between him and the NAACP out of the picture. The NAACP is doing a great work in the defense of colored people and now is no time for Mitchell to go around featuring himself. It would be better for him to keep on fighting for colored people since he is in the position to do so. We are sure that the NAACP won't object and most certainly the 13 million Negroes won't.

MAY 9 - 1941

Always remember this, Congressman Mitchell—the Negro pulpit, the Negro press, the NAACP and many other organizations determine any action taken on Negroes whether they are out in front or not. They forever stay in the lead. Without them your presence in Congress wouldn't mean a thing. They help put you there and they can move you. They are motivating forces that serve as agencies of control to safeguard the citizenship rights of colored people at all times.

Remember this, Congressman Mitchell!

Chicago Bee
Chicago, Illinois

WOMAN TELLS OF BUS JIM CROW ON TRIP HERE

Another instance of the flagrant mistreatment of Negro passengers using buses was disclosed this week in a letter to the BEE from one of its subscribers.

JUN 29 1941

The victim, Mrs. Viola Barren, 215 W. Oak street, stated she was mistreated and suffered bodily discomfort enroute to Chicago from Memphis, Tenn., this month. She was accompanied by her young niece on the return trip.

They were forced to occupy a seat over the rear wheels, and suffered a very unpleasant trip because of a faulty roof which leaked on them, she said, despite the fact that there were other vacant seats in the bus.

Denied Reserved Seats

Mrs. Barren was denied a seat she had called the Memphis bus station and reserved when she went to purchase her ticket. "On June 10 I called and made reservations for Chicago. Seat No. 30 was assigned to me, but when I went to the station to purchase my ticket I was told I could not occupy Seat No. 30.

"When I insisted that I had a right to that seat I was abused and pushed around by one of the managers and the driver, who shoved me on the bus. My little five-year-old niece and I were forced to make the trip to Chicago on a seat over the rear wheels, and to add to our discomfort the roof leaked on us. My requests for another seat were denied by the driver, who said the empty [illegible] were 'for white people only.'

JUL 29 1941

Mrs. Barren said she reported the matter to the Claim Department in Chicago and a Greyhound Bus company adjuster sent out to see her on June 18, five days later, informed her that he felt she had no claim against the company for what happened to her enroute from Memphis to Chicago.

Kansas City Call
Kansas City, Mo.

I. C. C. to Reopen Congressman Mitchell's Jim-Crow Car Case

To Review Policy of Railroads In Light of Recent Decision of U. S. Supreme Court Declaring Equality

JUN 15 1941

WASHINGTON. — The Interstate Commerce Commission will reopen the case of Congressman Arthur W. Mitchell of Chicago against the Chicago, Rock Island and Pacific Railway company in the light of the recent decision of the United States Supreme court, it was announced here last week.

The I. C. C. will review the policy of railroads operating in the South under jim-crow car laws.

In November, 1938, the Commission dismissed Congressman Mitchell's complaint saying that "because there was comparatively little colored traffic," the lack of equal accommodations was not unjust or undue.

In April, 1941, the United States Supreme court took the opposite view, ruling that Negroes are entitled to the Pullman accommodations and other first class services equal to those provided for white passenger.

The Commission said that the Mitchell case would be reinstated "to the end that such other and further proceedings may be had and such other and further orders may be entered in conformity with the opinion of the Supreme court of the United tates rendered April 28, 1941, on the appeal decided therein and according to right, justice and law of the United States."

The Mitchell case was based on the removal of the congressman from a Pullman car as the train he was riding approached the Arkansas border in April, 1937. Congressman Mitchell said the jim-crow car to which he was taken was "filthy and foul smelling."

AUG 4 1941

While the Mitchell case was being considered by the Supreme Court, 10 southern states protested against the review of the constitutionality of "jim-crow" laws as applied to travelers in interstate commerce.

In its unanimous opinion, the Supreme court stated that the question was not one of segregation but one of equality of treatment. The court refused to consider the protest of the southern states.

New York Age
New York, N. Y.

I. C. C. To Reopen Mitchell Case On Railroad Jim Crow

JUL 30 1941

WASHINGTON, D. C.—The Interstate Commerce Commission announced Monday that it would reopen the complaint filed by Congressman Arthur W. Mitchell against the Chicago, Rock Island and Pacific Railway Company as a result of a decision of the Supreme Court that Negroes are entitled to Pullman accommodations and other first class services equal to those white passengers receive on railroad trains.

AUG 25 1941

The I. C. C. on November 7, 1938 had decided agains Mr. Mitchell's contentions that jim crow practices were illegal. The Congressman had been forcibly ejected from a Pullman car to a second-class "filthy and foul smelling" Negro car as he neared the Arkansas border in April, 1937.

Mitchell filed a complaint with the I. C. C. which dismissed his case on the ground that "because there was comparatively little colored traffic" on the railroad the lack of equal accommodations was not unjust or undue. The U. S. Supreme Court, however, decided that the issue was not a question of segregation but one of equality of treatment and that therefore it was unnecessary to consider the protest of ten Southern States which protested against any review of the constitutionality of their jim-crow laws as applied against travelers in interstate commerce.

The I. C. C. now has ordered the case reinstated "to the end that such other and further proceedings may be had and such other and further orders may be entered in conformity with the opinion of the Supreme Court of the United States rendered April 28, 1941, on the appeal decided therein and according to right, justice and law of the United States."

AUG 2 5 1941

Pittsburgh Courier
Pittsburgh, Pa.

MITCHELL CASE REOPENED

AUG 16 1941

The Interstate Commerce Commission announces tha the complaint by Representative Arthur W. Mitchell of Chicago against the Rock Island railroad will be reopened

Nearly three years ago the I. C. C. decided that Mr Mitchell, who had been tossed out of his Pullman seat and into a jim-crow car in Arkansas didn't have any case.

Mr. Mitchell thought otherwise and took his complaint to the United States Supreme Court which decided that he DID have a case; that Negroes must be given equal accommodations in every sense of the word.

So now the I. C. C. which thought the case was closed decides that it is really open.

As Chief Justice Hughes pointed out in rendering the Supreme Court's decision, the issue is not a question of segregation but one of equality of treatment.

In order to get back into the Union which they attempted to destroy, the Southern states had to pass the "separate but equal" provisions in their laws to conform with the federal constitution.

Those provisions have usually been honored in the breach, as everybody knows, and even the federal government has winked at flagrant discrimination against Negroes and still does so, but the tide is beginning to turn.

The turning of the tide is due to the growing militancy of Negroes who are today using the South's own laws against it.

AUG 1 6 1941

Ignoring for the present the question of segregation, Negroes are concentrating wisely upon the question of discrimination, which the laws of the South condemn, by demanding the "equal" along with the "separate."

This leaves the South without a leg to stand on and eventually, if Negroes persist in going to court and invoking the laws the Southern states themselves have passed, discrimination will be wiped out.

When discrimination is finally outlawed the reason for segregation will be ended, since the purpose of segregation is to discriminate against Negroes.

AUG 1 6 1941

Representative Mitchell will win his case against the Rock Island and every other Negro will be able to ride through the South as a citizen and not like a slave.

That will be a bigger victory for democracy than the defeat of Hitler.

Pittsburgh Courier
Pittsburgh, Pa.

AUG 16 1941

Commission Agrees To Hear Mitchell's Jim-Crow Protest

AUG 16 1941

Interstate Commerce Commission Takes Steps to Comply With Supreme Court Mandate—Orders Complaint Against Railroad Reinstated.

WASHINGTON, D. C., Aug. 14—Initial steps to comply with the mandate of the Supreme Court remanding the case of Representative Arthur W. Mitchell, of Chicago, for further proceedings in accordance with its decision that colored persons who buy first class tickets must be furnished accomodations equal to those afforded first-class white passengers were taken by the Interstate Commerce Commission last Monday.

It set aside its decision and order entered November 7, 1938, dismissing his complaint against the Chicago, Rock Island & Pacific Railway Company for forcing him to ride in a Jim-Crow coach from Memphis to Hot Springs, Arkansas, on April 21, 1937.

Mr. Mitchell carried the case to the Supreme Court after three judges sitting in the United States Court for the northern district of Illinois upheld the findings and order of the Commission and dismissed his case for want of jurisdiction.

AUG 16 1941

Attorney General [illegible] Southern States protested against any review of the constitutionality of Jim-Crow laws as applied against travelers in interstate commerce, but Chief Justice Charles Evans Hughes declared that the issue was not one of segregation but one of equality of treatment and that therefore it was not necessary to consider their protest.

The Interstate Commerce Commission found that the ejection of Mr. Mitchell from the Pullman car and the requirement that he should continue his journey in a Jim-Crow coach was in accordance with custom. It based its decision chiefly on the fact that there was "comparatively little colored traffic."

It now orders the complaint reinstated for further proceedings in conformity with the opinion of the Supreme Court.

Chicago Defender
Chicago, Illinois

Orders Equal Facilities For Railroad Passengers

SEP 29 1941

Rock Island Railway company was ordered by the Interstate Commerce commission to provide "substantially equal" accommodations for first class white and Negro passengers between Chicago and Hot Springs, it was announced here recently.

The order was issued after the U. S. Supreme court ruled in April that accommodations for Rep. Arthur W. Mitchell (D., Ill.), were "unduly prejudicial to colored passengers and unduly preferential to white passengers."

Findings in a prior report by the commission held that Negro passengers traveling in Arkansas over the Chicago, Rock Island and Pacific road on through journeys from Chicago to Hot Springs were not unjustly discriminated against in accommodations given by that line.

The Supreme court decision on April 28 in Mitchell vs. United States case, held that passengers of all races traveling interstate were to be provided equal accommodations, and overruled the previous mandate issued by the commission.

The complaint of Rep. Mitchell was reinstated, and the case was reopened. The order specifically states that "defendants, the Chicago, Rock Island and Pacific railway company (Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, trustees) and the Pullman company, according as they participate in the transportation, be, and they are hereby, notified and required to cease and desist on or before December 24, 1941, and thereafter to abstain from practicing the undue prejudice and undue preference found in said report to exist."

30-1941
New York Times
New York, N. Y.

Negro Congressman Argues Race's Rights In Interstate Train Plea to Supreme Court

MAR 14 1941

By The Associated Press

WASHINGTON, March 13—Representative Arthur W. Mitchell, Democrat, of Illinois, the only Negro member of Congress, argued before the Supreme Court today that members of his race traveling from one State to another were entitled to railroad accommodations equal to those furnished to white persons.

MAR 14 1941

"To deny this is purely racial prejudice," he asserted.

Arguing in his own behalf, Mr. Mitchell said that he had been "forcibly ejected" from a Pullman car in Arkansas while traveling from Chicago to Hot Springs in 1937, and had been compelled to comple[illegible] he journey "in a Jim Crow [illegible] with second-class accommodations."

MAR 14 1941

A large number of Negroes were seated in the courtroom as Mr. Mitchell and other attorneys debated the case. Mr. Mitchell's suit for equal facilities was dismissed by the Interstate Commerce Commission and by the Federal District Court for Northern Illinois.

J. Stanley Payne, assistant chief counsel of the I. C. C., and Wallace T. Hughes, Chicago attorney for the railroads involved, said that the demand by Negroes in Arkansas for Pullman facilities was "virtually non-existent."

Chicago Tribune
Chicago, Illinois

'JIM CROW' CASE ARGUMENT MADE BY REP. MITCHELL

MAR 14 1941

Washington, D. C., March 13 (AP).—Representative Arthur W. Mitchell [D., Ill.], the only negro member of congress, argued before the Supreme court today that members of his race traveling from one state to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

Arguing in his own behalf, Mitchell said he had been "forcibly ejected" from a Pullman in Arkansas while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a jim crow car with second class accommodations."

MAR 14 1941

J. Stanley Payne, assistant chief counsel of the Interstate commission, and Wallace T. Hughes, Chicago attorney for the railroads involved, said the demand by negroes in Arkansas for Pullman facilities was "virtually nonexistent."

Daily World
Atlanta, Georgia

Study By 10 States Suggested

MAR 15 1941

Alabama Attorney General Sees Threat to South

MONTGOMERY, Ala. — (SNS) — Attorney General Thomas S. Lawson has invited similar officials of 10 other Southern states to join him in attempting to intervene in Congressman Arthur W. Mitchell's railroad jim crow case now pending before the United States Supreme Court, it was learned Friday.

Discerning a threat to statutes of Southern states requiring the segregation of races on railroads, the Alabamian wrote attorneys general of Virginia, North and South Carolina, Georgia, Florida, Mississippi, Louisiana, Tennessee, Arkansas and Texas.

MAR 15 1941

Attorney General Lawson said the case originated in 1937 when Congressman Mitchell was compelled to move from a Pullman car on which he was a passenger at the Arkansas line.

A complaint was dismissed by the Interstate Commerce Commission and a three-judge district court held it was without jurisdiction, but premitted appeal to the Supreme Court.

EQUAL COMFORT

(In Washington a few days ago, Solicitor General Francis Bibble told the Supreme Court that railroads should give Negroes traveling from one state to another accommodations equal to those provided for whites. This contention was presented by the justice department in a brief filed in connection with litigation brought by Mr. Mitchell, who contended he was forcibly ejected from a Pullman car in Arkansas while traveling from Chicago to Hot Springs. Bibble noted that although the Supreme Court had ruled that a railroad "without regard to the inter or intrastate character of the journey, had power to segregate white and colored passengers," it had been assumed that "the separate accommodations must be of equal equality.")

MAR 15 1941

ALARMING!

Pointing out the United States, as well as the Interstate Commerce Commission, the Rock Island and Illinois Central Railroads and the Pullman Company were defendants, Lawson wrote the other attorneys general:

"The alarming thing to me is that the solicitor general....has in effect agreed with the position taken by the appelant, Mitchell.

"The solicitor general....recognizes the fact that the Supreme Court on several occasions ruled the segregation status do not violate the fourteenth amendment, but argues that such statutes can apply only to intrastate transportation of passengers."

MAR 15 1941

The Supreme Court noted probable jurisdiction on its part in the case December 16.

Lawson, a prosecutor in Alabama's widely-publicized "Scottsboro" attack case, said in his letter: "I have absolutely no patience with anyone who purposely arouses racial differences and hatreds, but on the other hand, I believe that the situation with which the South is presently confronted requires immediate attention on the part of the Southern states.

MAR 15 1941

"I would appreciate it if you would advise me as to whether or not you would be interested in joining me in an attempt to secure an opportunity to file an amicus curiae (friend of the court) brief in the Supreme Court," the Alabamian wrote attorneys generals of Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Tennessee, Arkansas and Texas.

Times-Picayune
New Orleans, La.

Dixon Asks That Segregation Law Meeting Be Held

MAR 14 1941

(The Associated Press)

Montgomery, Ala., March 13.—Governor Frank Dixon said today he was writing the governors of 10 Southern states to ask their opinions regarding the calling of a meeting of attorneys-general to consider joint action to protect the section's laws requiring segregation of races on railroads.

The Alabama governor enclosed a letter from Attorney-General Thomas S. Lawson in which Lawson termed a case now pending before the United States supreme court a threat to all segregation laws.

The case originated in 1937 when Representative Mitchell, Democrat, Illinois, was compelled at the Arkansas state line to move from a Pullman on which he had accommodations.

The interstate commerce commission dismissed a complaint and a three-judge district court held it was without jurisdiction, but permitted an appeal to the supreme court.

MAR 14 1941

Governor Dixon said his letter to the governors of Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Tennessee, Arkansas and Texas, "expressed the opinion such a meeting should be called and that immediate action is necessary."

Advertiser
Montgomery, Ala.

Southern States Agree To Push Jim Crow Fight

MAR 21 1941

Method Of Filing Brief Is Yet To Be Decided; More Time Requested

Concerted action by a number of Southern states to resist the threat to their racial segregation laws in the Arkansas case now pending before the U. S. Supreme Court was definitely decided upon at a conference of Southern attorneys general here Thursday.

Five Southern states, in addition to Alabama, were represented at the conference, held at the suggestion of Atty. Gen. T. S. Lawson. Several other states, though not personally represented, have endorsed the proposed intervention.

MAR 21 1941

While decision was reached to file a brief in the case, it was not determined whether it would be filed in the name of the State of Arkansas, whose law is directly attacked, or of the group of interested states. It was announced that a further 30-day extension of time in which to file the brief had been asked of the Supreme Court. There was a possibility that a second conference would be held, especially if the 30-day extension were granted. The Supreme Court originally fixed the deadline for March 24, and in response to requests granted extension but only to March 29.

Attending Thursday's conference were the attorneys general of four states: J. Tom Watson, of Florida; Greek L. Rice, Mississippi; Eugene Stanley, Louisiana, and T. S. Lawson, Alabama. Georgia was represented by Asst. Atty. Gen. Linton S. Johnson and Texas by Morris Hodges, assistant attorney general. Endorsement of the proposed intervention has been received from Tennessee, Kentucky and Arkansas.

MAR 21 1941

The visitors were entertained at a dinner Thursday night at the Beauvoir Country Club, with Gov. Dixon attending.

Chicago Bee
Chicago, Illinois

SOUTH INJECTS RACE ISSUE IN RAILROAD CASE

MAR 23 1941

Fears Ruling In Mitchell Suit

WASHINGTON.—A favorable ruling by the United States Supreme Court in the case of Congressman Arthur W. Mitchell, now being argued by the nation's highest tribunal will sound a death knell to "white supremacy." That is the opinion of Governor Frank Dixon of Alabama, who this week urged governors of nine other southern states to join him in an effort to prevent the court from handing down such a decision.

Dixon, who is chairman of the Southern Governors conference, acted after Atty. Richard E. Westbrooks, of Chicago, counsel for Representative Mitchell made a strong presentation of the case before the high court last Thursday. His action followed the suggestion of Attorney General Thomas Lawson of Alabama that attorneys general of all states cooperate and fight a favorable Supreme Court ruling of the case.

Congressman Mitchell instituted a test case to determine whether railroads must give Negroes traveling from one state to another accommodations equal to those given white persons. The case which has been argued in the courts for more than three years, grew out of his ejection from a Pullman car while traveling in the South in 1937.

MAR 23 1941

Attorney Westbrooks, who returned to Chicago early this week, said Governor Dixon's action had created an intersectional issue of the case. The implications are far reaching, he stated. "The Supreme Court decision now becomes one of vast importance and will be more momentous than any involving Negroes in the past decade," he added.

MAR 23 1941

Representative Mitchell asserted in his brief connected with arguments before the Supreme Court, that "simple justice in the interpretation and application of the Constitution should require equality in interstate transportation of all American citizens without regard to race or color.

The department of justice supported his position when it expressed the view that the Interstate Commerce commission had erred in dismissing his petition for equal accommodatons. Chief Justice Hughes presided.

A white attorney for the Rock Island railroad and another white attorney from the Interstate Commerce commission opposed Attorney Westbrooks.

MAR 23 1941

A request for 10 days in which to file a brief as amicus curiae so that the court might be adequately informed as to how a decision favorable to Mitchell would upset the social status of the South revealed action by the Alabama governor.

Globe and Independent
Nashville, Tenn.

Dixie Lawgivers Alarmed, Urge South To Resist Tampering With Tradition

MAR 21 1941

MONTGOMERY, Ala., Mar. 20—(ANP)—Thomas E. Lawson, attorney-general of Alabama, seeing a threat to statutes of Southern states requiring the segregation of races on railroads, has invited similar officials of 10 other Southern states to join him in attempting to intervene in the Mitchell case now pending in the United States supreme court.

MAR 21 1941

The case which resulted from the refusal of the Pullman company to allow Rep. Mitchell to ride with first class accommodations in Arkansas in 1937, was appealed to the high court from a three-judge district court which said it had no jurisdiction over the matter.

Lawson wrote the other attorneys general: "The alarming thing to me is that the solicitor general has in effect agreed with the position taken by the appellant, Mitchell.

"The solicitor general recognizes the fact that the supreme court on several occasions ruled that segregation statutes do not violate the Fourteenth amendment, but argues that such statutes can apply only to intrastate transportation of passengers."

Negro Labor News
Houston, Texas

Alabama Worried About Railroad Jim Crow Fate

MAR 22 1941

MONTGOMERY, Ala. —(ANP)— Thomas S. Lawson, attorney-general of Alabama, seeing a threat to statues of Southern states requiring the segregation of races on railroads, has invited similar officials of 10 other Southern states to join him in attempting to intervene in the Mitchell case now pending in the United States supreme court.

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Alarmed At Decision

MAR 22 1941

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MAR 22 1941

Tribune
Philadelphia, Pa.

Congressman Pushes Suit Against Railroads Before U. S. Judges

MAR 20 1941

(Special to the Tribune)

WASHINGTON—Briefs and arguments in the test case instituted by Congressman Arthur Mitchell of Illinois to determine whether railroads must give Negroes traveling from one state to another accommodations equal to those given white persons, were presented by the appellant himself last Thursday before the United States Supreme Court.

Aiding the Congressman in this case, which resulted from the refusal of the Pullman company to allow him to ride with first-class accommodations in Arkansas in 1937, was Attorney Richard Westbrooks of Chicago. They were opposed by J. Stanley Payne, assistant chief counsel of the ICC, and Wallace T. Hughes, Chicago attorney for the railroads involved.

MAR 20 1941

Railroads Argue

Opposing counsel stated that the demand for Pullman tickets by Negroes was virtually non-existent, that if they did purchase them the railroad always placed them in a drawing room, if one was available and charged only "seat fare."

Careful questioning on the parts of Justices Hugo Black, Harlan Stone and Felix Frankfurter, however, elicited the information that there were extra seats on the Pullman which would have been sold to white persons but were denied Mr. Mitchell.

Attorney Westbrooks arguing on behalf of Mr. Mitchell stated that the Fourteenth Amendment "gives Negroes the rights of citizens." "The volume of traffic," he said, "has no bearing on the constitutional rights of citizens."

Hughes Asks Questions

Chief Justice Hughes commented, when a railroad attorney remarked that his clients would be subjected to heavy expense if they had to provide equal dining car accommodations, that "Of course, they could meet that difficulty by admitting colored persons to the dining car."

"The question then would be," replied opposing counsel, "whether the railroad would have any other customers in the dining car."

The subtlety of this remark was not present in the invitation extended by Thomas S. Lawson, attorney-general of Alabama, to similar officials of 10 other Southern states to join him in attempting to intervene in the Mitchell case, which appears to him to be a threat to the statutes of their states.

Mitchell's position is being given added support, however, by the department of justice which openly expressed the view that the inter-state Commerce Commission had erred in dismissing his petition for equal accommodations. That this support is factual was shown when in his invitations to his colleagues he wrote "the alarming thing to me is that the solicitor general has in effect agreed with the position taken by the appellant, Mitchell."

MAR 20 1941

No decision in this case had been handed down at press time, and it is understood that none will be made during the next few days, at least.

Nashville, Tenn. Banner
March 19, 1941

State Will Fight 'Jim Crow' Measure

Gov. Prentice Cooper said today he had instructed Atty.-Gen. Roy H. Beeler to join with eight other Southern states in filing an intervening petition before the United States Supreme Court in the "Jim Crow" Case, filed by Arthur W. Mitchell, Negro Democratic Congressman of Illinois, against the Pullman Company.

The Interstate Commerce Commission overruled Mitchell's argument that he was subjected to racial discrimination because he was forced to leave a Pullman car in Arkansas.

The case is now before the United States Supreme Court and Solicitor General Francis Biddle has joined with Mitchell in the case, arguments on which were heard last week.

General Beeler says he has been in correspondence with Atty.-Gen. T. S. Lawson of Alabama who originated the intervening petitions, and would have an announcement on Tennessee's petition in a few days.

Gulfport, Miss. Herald
March 14, 1941

EQUAL PASSENGER ACCOMMODATIONS

The supreme court of the United States heard argument yesterday on the proceedings instituted by Congressman Mitchell (colored), as to whether a Negro, traveling by train in interstate commerce, (from one State to another) should not have equal rights with white passengers on the same train. He made a trip into Arkansas, starting in a coach with all races and colors, and ended in Arkansas in what he called a Jim Crow car—that is, a car reserved solely for Negroes. He contended that the Constitution guaranteed and therefore demanded equal rights, especially in interstate travel. The interstate commerce commission refused to take his view and regulate the matter in accord therewith. He then went before the supreme court, where the department of justice joined him instead of defending the federal body, which was somewhat unusual, to say the least. Therefore, it may be assumed that the Attorney General, if not the Administration Chief, agrees with Mitchell's contention.

This must not be confused with the Jim Crow law (as it is called) which was before the supreme court a good many years ago, when the laws of the Southern States providing separate train accommodations of the races, that is, separate coaches, were attacked. They were sustained, we believe, on the ground that they tended to and would preserve the peace. It was sound, practical reason, whether or not people of other sections generally understood it. We understand that the supreme court approved the reasoning as practical and sound.

But Mitchell seems to complain of "unequal" accommodations. If he rode to the Arkansas line in a Pullman, and was transferred to a Pullman of equal appointments and service so as to comply with the Arkansas statute, he might not have the case he may have now. And this seems to be one phase of this separate-coach law which the railroads may have to meet; that is, if they charge a white passenger $2 to ride from one State to another, but put a Negro passenger in an inferior coach or give him inferior accommodation on the same train between the same points, yet charge him the same price of $2, there would be an inequality which might be actionable. It may be that the roads may be forced at least to charge the Negro less or the white passenger more.

People of the South are curious to know whether this decision will be rendered by Justice Black of Alabama, as he rendered one race-decision on Lincoln's' birthday and another just about Christmas.

Birmingham, Ala. Age-Herald
March 14, 1941

Justice Black Cites Seats Denied To Negro

WASHINGTON, March 13—(AP)—Representative Arthur W. Mitchell (D., Ill.), the only Negro member of Congress, argued before the Supreme Court Thursday that members of his race traveling from one state to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

Arguing in his own behalf, Mitchell said he had been "forcibly ejected" from a Pullman in Arkansas while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

"Even when a member of our race reaches the highest position in the government yet attained," he said sarcastically, "he still is not entitled to more than second class accommodations in a filthy coach."

A large number of Negroes were seated in the courtroom as Mitchell and other attorneys debated the legal controversy. Mitchell's suit for equal facilities was dismissed by the Interstate Commerce Commission and by Federal District Court for Northern Illinois.

J. Stanley Payne, assistant chief counsel of the commission, and Wallace T. Hughes, Chicago attorney for the railroads involved, said the demand by Negroes in Arkansas for Pullman facilities was "virtually non-existent."

Payne explained that the customary practice on the Chicago, Rock Island & Pacific trains ridden by Mitchell was to place a Negro having a Pullman ticket in a drawing room when one was available and to charge only seat fare.

Justices Black, Stone and Frankfurter pointed out in questioning the attorney that there were extra seats on the Pullman which would have been sold to white persons but were denied to Mitchell. When Payne explained that railroads would be submitted to heavy expense if required to provide equal dining car accommodations for Negroes, Chief Justice Hughes commented:

"Of course, they could meet that difficulty by admitting colored persons to the dining car."

"The question then would be," Payne replied, "whether the railroad would have any other customers in the dining car."

He added that there was "a sentiment for segregation" in certain areas of the United States.

Richard E. Westbrooks, Chicago attorney, argued on behalf of Mitchell that the Fourteenth Amendment to the Constitution "gives Negroes the rights of citizens."

"The volume of traffic," he added, "has no bearing on the constitutional rights of citizens."

The Justice Department recently filed a brief contesting the position of the Interstate Commerce Commission. Solicitor General Francis Biddle asserted that the Constitution requires equal facilities for Negroes regardless of the expense.

Kinston, N. C. Free Press
March 14, 1941

Negro Congressman Sees Discrimination

Montgomery, Ala., March 14.—(U.P.)—Gov. Frank M. Dixon said last night that a meeting of the Southern Governor's Conference beginning today in New Orleans, would probably take up the race segregation case brought by Rep. Arthur W. Mitchell, D., Ill., and which is now before the U. S. Supreme Court.

Washington, March 14.—(U.P.)—The Supreme Court today took under advisement the legal fight of Rep. Arthur W. Mitchell, D., Ill., the only Negro congressman, to obtain equal Pullman car rights for Negroes and whites.

Mitchell described to the court yesterday how he was ejected from a Pullman car in Arkansas in 1937 and forced to ride in a "filthy" second class "Jim Crow" coach although he had purchased a first class ticket. He said the incident was "purely a case of discrimination against a member of the Negro race."

Knoxville, Tenn. Journal
March 14, 1941

Negro Argues For Equality On Rail Cars

WASHINGTON, March 13 (AP)—Rep. Arthur W. Mitchell (D. Ill.), the only Negro member of Congress, argued before the Supreme Court today that members of his race traveling from one state to another were entitled to railroad accommodations equal to those furnished white persons.

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Payne explained that the customary practice on the Chicago, Rock Island and Pacific trains ridden by Mitchell was to place a Negro having a Pullman ticket in a drawing room when one was available and to charge "only seat fair."

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"The volume of traffic," he added, "has no bearing on the constitutional rights of citizens."

The Justice Department recently filed a brief contesting the position of the Interstate Commission. Solicitor General Francis Biddle asserted that the Constitution required equal facilities for Negroes, regardless of the expenses.

Raleigh, N. C., News & Observer
March 14, 1941

NEGRO LAWMAKER ARGUES FOR RACE

Mitchell Urges Court to Force Railroads to Give Equal Accommodations

Washington, March 13.—(AP)—Representative Arthur W. Mitchell (D.-Ill.) the only Negro member of Congress, argued before the Supreme Court today that members of his race travelling from one state to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

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Montgomery, Ala., Advertiser
April 9, 1941

New Parley Called In Jim Crow Case

A second conference of Southern attorneys general will be held here within a week to work out details for joint action in the Arkansas railroad racial segregation case pending before the U. S. Supreme Court, Atty. Gen. T. S. Lawson said Tuesday.

Attorneys general of a number of Southern States met here recently at invitation of Mr. Lawson and decided to intervene in the pending case. A 30-day extension of time for filing a brief was obtained from the Supreme Court. The coming conference is expected to finish the work begun at the first.

The Arkansas case originated when Arthur Mitchell, negro congressman from Illinois, was forced to leave a Pullman in Arkansas. Its decision is expected to affect similar segregation laws in other Southern States.

Outcome of the case has attracted interest in the South from Texas to Virginia. Atty. Gen. Lawson conferred about it via telephone Tuesday with Jack Holt, attorney-general of Arkansas and Abram Staples, Virginia's attorney-general.

Montgomery, Ala. Journal
April 9, 1941

New 'Jim Crow' Parley Planned

Attorneys General To Meet Again Here

A second conference of Southern attorneys-general will be held here soon to work out details for joint action before the U. S. Supreme Court in a case involving railroad segregatio nlaws, Attorney General Thomas S. Lawson said Wednesday.

Lawson said final details of an intervening petition in a case which originated when Rep. Arthur W. Mitchell, negro congressman from Illinois, was requested to leave a sleeping car in Arkansas would be worked out.

Preliminary plans for the intervention were discussed at a recent meeting of Southern legal authorities called by Lawson, who said the case was regarded as a threat to racial segregation laws in general.

Tuscaloosa, Ala., News
April 10, 1941

Attorneys-General Of South Meet Again

MONTGOMERY, Ala., April 10 —(AP)—A second conference of southern attorneys general will be held here soon to work out details for joint action before the U. S. Supreme Court in a case involving railroad segregation laws, Attorney General Thomas S. Lawson said.

Lawson said final details of an intervening petition in a case which originated when Rep. Arthur W. Mitchell, negro Congressman from Illinois, was requested to leave a sleeping car in Arkansas would be worked out.

Preliminary plans for the intervention were discussed at a recent meeting of southern legal authorities called by Lawson, who said the case was regarded as a threat to racial segregation laws in general.

Chattanooga, Tenn., Daily Times
April 29, 1941

SEGREGATION STATUTES

The Supreme Court's finding that Representative Arthur W. Mitchell, of Illinois, the only Negro member of Congress, was discriminated against when, in 1937, he was required to leave a Pullman car in Arkansas while traveling from Chicago to Hot Springs does not affect in any way the so-called segregation statutes enforced in ten Southern States, including Tennessee. When Representative Mitchell instituted a test case, the other States having laws similar to that in Arkansas filed briefs with the Supreme Court in which they contended that the Mitchell case did not involve the constitutionality of "separate coach" laws as applied to interstate commerce.

It may seem that on the question of segregation, the Supreme Court has avoided the issue. Yet as applied in the case of Representative Mitchell, the Supreme Court's rule meets every reasonable demand of the Negro race, and at the same time reaffirms a requirement of equality of treatment which ought in justice and fairness be fulfilled. Representative Mitchell contended he was "forcibly ejected" from a Pullman car and compelled to complete his journey "in a Jim Crow car with second-class accommodations." Apparently finding that Representative Mitchell did not overstate the case, the Supreme Court said of the treatment accorded him that, "this was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro."

The Court went on to say, however, that "the question whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation, but one of equality of treatment." The Court then restated the requirement that Negroes traveling from one State to another are entitled to railroad accommodations equal to those provided for white persons. The question is not whether Negroes traveling from one State to another shall be accommodated in cars used by white persons, but whether Negroes shall have accommodations equal to those provided white persons. The Supreme Court states that equality of accommodations must be the rule. Happily, there are few instances of the issue being raised; and it is worth noting in that connection that in the new equipment being added to the railways on principal lines in the South, the accommodations available for Negroes are in every respect equal to those provided for the white passengers.

Miami, Fla., News
April 16, 1941

10 States Defend Jim Crow Laws

MONTGOMERY, Ala., April 16.—(AP)—Ten Southern states will defend their jim crow laws in an intervenor's brief before the U. S. supreme court in a case affecting the race segregation laws of Arkansas.

Attorney General Thomas S. Lawson of Alabama reported Wednesday the brief would be filed by next Monday before the court in the names of Florida, Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, Texas, Virginia and Kentucky.

Lawson, a prosecutor in the Scottsboro cases, proposed the Southern states enter the case brought by Arthur W. Mitchell, negro congressman from Illinois, who claimed he was required to give up sleeping car accommodations as it entered Arkansas.

Bristol, Va., Herald-Courier
April 30, 1941

Split F... "Jim Crow."

The Supreme Court ruled some time ago that States must provide the same educational opportunities for Negroes as for whites. That ruling applied to the highest institutions of learning, such as State Universities, as well as to public schools.

The Supreme Court now has ruled that Negroes must be furnished as good railway train accommodations as whites for interstate travel. The decision was in the case of Representative Arthur W. Mitchell of Illinois, the only Negro member of Congress, who filed a test suit after being removed from a Pullman to a "jim crow" day coach in Arkansas in 1937 during a trip from Chicago to Hot Springs.

The "jim crow" laws of the South have been given a hard jolt. Ten Southern States filed briefs defending these segregation laws, but the Supreme Court did not pass on this question the unanimous opinion by Chief Justice Hughes declaring the issue to be equal rights, not segregation. This apparently indicates that Southern States may continue to segregate Negroes in separate cars as long as accommodations equal to those of whites, or Pullman cars, are provided for them.

Presumably, Southern States still may enforce their "jim crow" laws in cases of colored people traveling between points within a State, since the High Court said Negroes must be furnished as good accommodations as whites "for interstate travel." Those States now are confronted with the necessity either of abolishing these laws or of providing colored travelers with as good train accommodations as white travelers. No doubt the Southern States will keep their segregation laws and furnish the equal accommodations, at least for the present, for colored persons coming from States that do not have such laws.

Black Dispatch
Oklahoma City, Okl.

All Honor to Congressman Mitchell

MAY 3 1941

The critics of Congressman Arthur Mitchell will have to go way back and take a seat in the rear while 13,000,000 Negroes of the United States applaud the Windy City solon. In winning the suit prosecuted by Congressman Mitchell, in which he attacked the Jim Crow accommodations on railroads, he has won a most signal victory.

Many Negro leaders over the United States have been unfair to the Illinois congressman. Most assuredly, Mr. Mitchell has not done everything while he has been in congress meeting our 100 per cent approval, but the Black Dispatch has never once doubted his integrity and sincerity of purpose. In these columns, Congressman Mitchell has always had open praise. No one Negro has a patent on common sense, and when we attempt to crucify any black man simply because he does not use our yardstick in measuring social distances, a type of intolerance is exhibited which theoretically we claim to oppose.

MAY 3 1941

The Supreme Court held Monday that common carriers must provide Pullman accommodations for Negroes just as is done for other Americans. Someone may seek to minimize the full force and effect of the opinion because the court did not attack the segregation issue. In fact, the court recognized and gave left-handed endorsement to segregation when Chief Justice Hughes in his opinion said Monday:

"The question is not a question of segregation, but one of equality of treatment."

Those who have sought to attack the intent and purpose of Congressman Mitchell in filing this suit have argued that the suit does not strike at the basic structure of Jim Crow. They argue that Congressman Mitchell should have attacked the validity and constitutionality of separation rather than have attacked the question of accommodation and facility.

Most assuredly the Black Dispatch would like to see the court pass squarelly upon the constitutionality of Jim Crow laws, but we are not going to close our eyes to the worthwhileness of the Mitchell contention. The Black Dispatch is opposed to everything that smells of separation here in America. Legalized separation is based upon the theory that one human being is better than another. The constitution says all men are created equal. Separation laws are undemocratic and outlaw brotherhood.

But Congressman Mitchell elected to attack the question of equal accomodation. The supreme court has spoken on that question. It means that in interstate travel the accommodations must be equal. If a Negro purchases a ticket from Oklahoma to New York he is entitled to Pullman accommodations, and more than that, he is entitled to any and all of the accommodations included in railroad service.

Keep in mind now: if the high court's decision means anything at all, it includes the right of the Negro to ride in chair cars, when not in a Pullman, if that passenger is riding in interstate travel. It includes every type of travel comfort and facility on railroads. Do not confine your notions of what this decision means to Pullman cars. The railroad station where Negroes sit where no clock is installed, is now unlawful. The supreme court held that equal accommodations must be provided in every travel arrangement.

The full force of this decision will not fall upon the traveling public and the Negro until it is remembered that railroads in their impoverished condition today cannot stand the weight of such economic burdens as imposed Monday by the court. No longer can a Negro be penned up in a drawing room. He is entitled to a "lower." If the railroads practice complete separation it will mean that extra Pullmans will be rolling over the various roads of the South. A black man is now entitled to call for what he wants and get it either directly from the railroad or later through action in the court for damages sustained.

MAY 3 1941

The easiest way out of this dilemma is to permit Negroes entry to Pullman accommodations in a democratic way. The Negro who desires Pullman accommodations is many times far better dressed and used to good living than a large number of whites who ride in "uppers." In fact, few Negroes who ride on Pullmans accept uppers. They pay for the best and prove by their demeanor and conduct they are "to the manor born."

It is a fine thing just at this time that Congressman Mitchell brought this obvious discrimination to the attention of the court. The world today is talking about democracy, but the world and the United States is doing little regarding the practice of brotherhood. Democracy should become an actuality and should not remain a mere ritualism. Chief Justice Hughes' decision points in the right direction. Jim Crow is on the way out. Brotherhood is on the way in.

Pittsburgh Courier
Pittsburgh, Pa.

MITCHELL LAUDED AS COURT DECISION ENDS OLD PRACTICE

MAY 10 1941

By HUGH S. GARDNER
(Staff Correspondent)

CHICAGO, May 10—Since the historic ruling handed down by the United States Supreme Court April 28, which outlaws the denial of equal accommodations to black Americans in interstate travel, Negro citizens here are experiencing a throbbing, uniform heartbeat of expectancy as May 23 approaches. If no petition is filed by the Rock Island railroad or Interstate Commerce Commission for a rehearing of the case before that time a mandate will be handed down by the nation's highest tribunal ordering the United States District court to reverse its previous decision, and inform the Interstate Commerce Commission that it is to compel the railroad in question to cease and desist the practice of denying Negro citizens equal accommodations when they are engaged in interstate travel. Thus the much desired execution of the law will have been in progress.

MAY 10 1941

MITCHELL LAUDED FOR COURT DECISION

Meanwhile Congressman Arthur W. Mitchell, the complainant in the case who was ordered out of a Pullman reservation while enroute from Memphis to Hot Springs, Ark., in 1937, is back in Washington after not only receiving the highest praise for his great piece of public service by his constituents in the First Congressional District of Illinois, but also from hundreds and thousands of the 15,000,000 Negroes all over the country. The law will protect them once it is put in execution. He left the city Thursday for the capital.

WESTBROOKS ALSO PRAISED

MAY 10 1941

Also receiving an equal amount of praise is Atty. Richard E. Westbrooks, native of Waco, Tex., and an outstanding barrister in Illinois for the past 29 years.

Congratulations from all parts of the country similar to the following was received by the noted attorney:

"It effects every Negro in United States. Best wishes for your continued success as champion of people's rights. I can speak with pride when I refer to you as my friend."—Harry Bracy, St. Louis attorney.

"Congratulations, Dick, a great victory."—Atty. C. Francis Stradford, Chicago.

"We have just heard the great news over the radio. Congratulations. Congratulations. You have won a fight for 12 million people. May God bless you with a long life . . ."—The Pressley Winfields of Oakland, Calif.

"Congratulations from all of us."—Houston, Houston & Hastie law firm in Washington, D. C.

"Congratulations and thanks for your splendid victory."—Dr. Herbert A. Turner, Chicago.

"The victory was a landmark in constitutional law."—Atty. Wm. H. Temple, Chicago.

"You have done America and your people a signal service."—Rev. A. Wayman Ward, Chicago Methodist minister.

Among the myriad of others were from J. Levirt Kelly, local labor leader; Dr. and Mrs. Wm. D. Giles, Cletee Scott of Chicago; Sidney Redmond of St. Louis, president of the Na- of Washington, D. C.; Atty. Alice Huggins, Chicago; Josephine Jones, St. Louis teacher; Atty. tional Bar Association; Atty. Isadora A. Letcher David J. A. Hayes, Chicago; Miss Sadie Lee, teacher in Birmingham; Mrs. Carrie Bledsoe, Topeka, Kan., school teacher; Atty. A. M. Thomas, Washington, D. C.

WESTBROOKS' STATEMENT

MAY 10 1941

During a brief interview with your correspondent Mr. Westbrooks appeared to be very grateful for the victory. He said: "While this decision will have a far-reaching effort on compelling all railroads, buses or any other means of interstate transportation to furnish equal accommodations to Americans of color, it is regrettable that the Supreme Court did not pass upon the inapplicability of the separate coach laws to interstate commerce. This question once settled by the highest tribunal would have abolished Jim Crowism.

"It is hoped that the American citizens of color will unite in hav-

ing this question passed upon by the United States Supreme court.

"I want to thank all of my friends for their prayers and words of encouragement which gave me strength for four long years to carry on by the grace of God."

WHAT SOME OF THE CITIZENS THINK

"The decision will strengthen our fight against segregation. It was a splendid piece of public service by Congressman Mitchell and Richard E. Westbrooks."—Atty. Bindley C. Cyrus.

"The decision was a step forward toward the enforcement of laws protecting Negroes. They will no longer be dormant laws but laws of action, we hope."—Atty. Thomas M. Clarke.

"The Supreme Court's decision has blazed the way for progress against color prejudice in this country."—Atty. Houston H. Hall.

"It was the most important opinion the high court has handed down regarding the Negro this century."—Horace Lamax, president Metropolitan Motorist Assn.

MAY 10 1941

"It was the greatest victory ever won for Negroes in the Supreme Court."—Col. William Henry Huff, Chicago attorney.

Pittsburgh Courier
Pittsburgh, Pa.

Pursuit Of Democracy

COURT SPEAKS FOR EIGHTEENTH TIME ON NEGROES' RIGHTS

BY MARJORIE MCKENZIE

MAY 10 1941

LAST week the United States Supreme Court in a lucid opinion by Chief Justice Charles Evans Hughes, spoke for the **18th time** since 1932 on questions involving the rights of Negro citizens. The significant and long-awaited decision in the case of Congressman Mitchell against the Interstate Commerce Commission, is one of a series which have written a new chapter into the judicial interpretation of basic and individual rights under the Constitution.

Miss McKenzie

These are the eighteen cases that have given new confidence to thirteen million Americans that the phrase, "Equal Justice Under Law", carved on the lintel of the Supreme Court Building, is a vital philosophy within its portals.

These are cases which demonstrates that law is frequently what the judges make it; that the judiciary may act in a legislative capacity by giving new force to established law, so that it becomes a living instrument for safeguarding the interests of the people.

The cases are:

Powell v. Alabama, 287 U. S. 45, 1932.

MAY 10 1941

Weems v. Alabama, 287 U. S. 45, 1932.

Patterson v. Alabama, 294 U. S. 600, 1934.

Grovey v. Townsend, 295 U. S. 45, 1935.

Hollins v. Oklahoma, 295 U. S. 394, 1935.

Herndon v. Lowry, 301 U. S. 242, 1937.

New Negro Alliance v. Sanitary Grocery Co., 302 U. S. 679, 1938.

Hale v. Kentucky, 303 U. S. 613, 1938.

Missouri ex rel Gaines v. Canada, 305 U. S. 337, 1938.

Pierce v. Louisiana, 306 U. S. 354, 1939.

Lane v. Wilson, 307 U. S. 268, 1939.

Avery v. Alabama, 308 U. S. 444, 1940.

Chambers v. Florida, 309 U. S. 227, 1940.

Canty v. Alabama, 309 U. S. 629, 1940.

White v. Texas, 310 U. S. 530, 1940.

Hansberry v. Lee, 311 U. S. 32, 1940.

Smith v. Texas, 311 U. S. 128, 1940.

Mitchel v. U. S. of America, Interstate Commerce Commission 1941.

MAY 10 1941

LIBERAL ATTITUDE

The court, under the New Deal, has demonstrated its liberal attitude in racial matters by a favorable decision in sixteen of the eighteen cases. The record is, moreover, a dramatic account of the progress of the Negro lawyer and the impressive contribution he is making as a leader. Eleven of the eighteen cases were prepared and argued by Negroes, seven by white.

Two cases were lost, one by Negro lawyers, one by white, demonstrating that the former are proportionally more successful in petitioning the ultimate tribunal for a determination of the rights of their blood brothers. These are the men, who in the last eight years, have woven into the fabric of American law and custom, tough fibers to give new strength to the due process clause of the Fourteenth Amendment and the Bill of Rights.

MAY 10 1941

They are: J. Alston Atkins, Carter W. Wesley and F. S. K. Whittaker of Houston, Texas; A. S. Wells of Dallas, Texas; Charles H. Houston, William H. Houston, Edward P. Lovett, James M. Nabrit, B. V. Lawson Jr., Thurman L. Dodson, Leon A. Ransom, all of Washington, D. C; Theodore M. Berry, Cincinnati, Ohio; Thurgood Marshall, Baltimore, Maryland; Sidney R. Redmond and Henry B. Espey of St. Louis, Mo.; Charles A. Chandler of Oklahoma; S. D. McGill of Florida; Richard Westbrook, Arthur W. Mitchell, C. Francis Stratford, Irvin C. Mollison, Earl B. Dickerson, Truman K. Gibson, Jr., and Loring B. Moore, all of Chicago, Illinois.

COVERING FRONTIERS

This is a roster of new leaders, covering the frontiers of social action, south from Florida and Texas and north in Illinois, west to Oklahoma and east to Washington, D. C. Their leadership does not rest on training from any select group of schools, but stems from a deep and abiding interest in their fellowman and an awareness of the true function of the lawyer as a creator of social progress.

(To be continued)

Bradenton, Fla., Herald
April 30, 1941

Pullmans And Negroes

We have it on the word of Attorney-General Watson that the decision in United States Supreme Court the other day that a black person is entitled to the same first-class service on trains as is accorded to white persons does not set aside any Florida law.

Mr. Watson points out that in Florida the law merely calls for segregation of the races, and that the rail lines are presumed to furnish the same first-class service for blacks as for whites, only they are forbidden by law to place the two races cheek by jowl. If a negro insists upon Pullman accommodations it is up to the rail lines to provide such accommodations.

Wadesboro, N. C., Intelligencer
May 1, 1941

Decides For Negroes.

In another important case today the court decided that Negroes must be furnished as good accommodations as whites for interstate travel. Representative Arthur W. Mitchell, Democrat of Illinois, only Negro congressman, filed the test suit after being removed from a Pullman to a "Jim Crow" day coach in Arkansas in 1937 during a trip from Chicago to Hot Springs.

Ten southern states had filed briefs defending their segregation laws, but the court did not pass on this question, the unanimous opinion by Chief Justice Hughes declaring the issue to be equal rights, not segregation. This apparently indicated that southern states might continue to segregate Negroes in separate cars as long as accommodations equal to those of whites, or Pullman cars, are provided for them.

Memphis, Tenn. Com'rcial Appeal
November 20, 1941

ROCK ISLAND LOSES JIM CROW' LITIGATION

I. C. C. Orders Better Accommodations For Negroes

WASHINGTON, Nov. 19.—(AP)—The Interstate Commerce Commission Wednesday ordered the Chicago, Rock Island & Pacific Railway to provide negroes traveling in Arkansas at first-class fares on through journeys from Chicago to Hot Springs with accommodations "substantially equal" to those provided white passengers.

The commission's order was in compliance with the Supreme Court decision in a proceeding brought by Representative Arthur W. Mitchell of Chicago, only negro member of Congress.

The I.C.C. originally dismissed Mitchell's complaint. In its order Wednesday it held the accommodations furnished Mitchell on April 27, 1937, and other negro passengers traveling in Arkansas over the Rock Island at first-class fares on through trips from Chicago to Hot Springs "were, are and for the future will be unduly prejudicial to colored passengers and unduly preferential of white passengers" when not substantially equal to accommodations provided for white passengers.

The commission gave the Rock Island until Dec. 24 to "cease and desist from practicing the undue prejudice and the discrimination herein found to exist."

Mitchell, traveling from Chicago to Hot Springs on the first-class ticket, was required to ride in a car provided for negroes after his train entered Arkansas. He contended his accommodations were inferior to those available to white passengers.

News
Birmingham, Ala.

Southern Leaders Map 'Jim Crow' Law Defense

MAR 20 1941

MONTGOMERY, Ala.—(AP)—Seven Southern states mapped plans Thursday for an intervention petition before the U. S. Supreme Court in a case which may involve validity of the South's laws requiring race segregation.

The cause grew out of a protest by Representative Arthur Mitchell, Negro congressman from Chicago, that he was required to give up sleeping car accommodations while traveling in Arkansas.

Legal representatives from Florida, Mississippi, Tennessee, Georgia, and Texas conferred with Alabama Atty. Gen. Thomas S. Lawson, who recently invited them to join him as intervenors.

MAR 20 1941

Atty. Gen. Hubert Meredith, of Kentucky, has authorized "joining" of his state to the brief, Lawson said.

Daily World
Atlanta, Georgia

Lawson Fights To Block Court Decision

APR 19 1941

BIRMINGHAM, Ala.—(SNS)—Alabama's Attorney General Thomas S. Lawson, continued his efforts to block a decision of the United States Supreme Court in favor of Congressman Mitchell last week when he announced a second conference of Southern attorneys- general.

APR 19 1941

The lone Negro congressman filed a case before the high tribunal charging that he was forced to ride in a day coach in Alabama on his pullman ticket. The Montgomery conference will attempt to find new ways to prevent state race segregation laws from being invalidated by the United States Supreme Court." according to the Alabama attorney general who became popular in the world-wide Scottsboro case. Date for the meeting has not been set.

No Negroes have been invited.

Tribune
Philadelphia, Pa.

Governors Of Southern States To Intervene In Mitchell Jim-Crow Case

MAR 27 1941

By SAMUEL BOYEA

MONTGOMERY, Ala. (ANP)—Representative Mitchell's Supreme court suit had interesting repercussions here when Gov. Frank Dixon joined hands with Atty. Gen. T. S Lawson "in an effort to preserve the South's jim-crow laws which appear endangered by the Mitchell case before the Supreme court."

Lawson has invited attorneys general of 10 other Southern states to join with him in intervening in the case. Gov. Dixon has written the governors of the same states enlisting their support.

Asked by white reporters what would be the result if the Supreme court ruled "adversely," Governor Nixon gloomily replied:

SEES TOTAL ABOLITION

"Abolition of all jim-crow laws, including those applicable to picture shows, trains, cafes, hotels, etc., etc.!

An Associated Press dispatch from Washington commenting on the case quoted Mitchell as commenting "sarcastically" on "second class accommodations in a filthy coach." Governor Dixon wrote the governors of 10 other southern states suggesting a conference of the attorneys-general of the states "the social structure of which would be affected by the outcome of this case."

Before leaving last Thursday night for the meeting of the Southern Governors' conference in New Orleans, Gov. Dixon further announced intention of taking the matter up with the other chief executives personally. He is chairman of the Southern Governors' Conference.

MAR 27 1941

In his letter to other Southern Governors, Gov. Dixon stated:

TEXT OF LETTER

You will find enclosed herewith a copy of a letter today being forwarded by Hon. Thomas S. Lawson, attorney general of Alabama, to the attorney general of South Carolina as well as the attorneys general of other Southern states. Following up his letter, it appears to me that the matter is of sufficient importance to justify a meeting of the attorneys general of the various states, the social structure of which would be affected by the outcome of this case, for the purpose of arriving at definite conclusions as to how this threat should be met."

"Please advise me as to your reaction and if a sufficient number of our Southern states are in accord, I will, in cooperation with the attorney general of Alabama, proceed to set a date for the meeting and get out invitations.

MAR 27 1941

"For myself and for this state I say unhesitatingly that such a meeting should be held in the immediate future. The consequences of the failure to act on our part would, in my opinion, be very serious insofar as the well-being of our people is concerned."

Pittsburgh Courier
Pittsburgh, Pa.

SUPREME COURT'S VERDICT DELAYED

MAR 29 1941

Attorneys General of Six States Attend Confab to Prepare Brief Defending Segregated Train Laws.

MONTGOMERY, Ala., Mar. 27.—Attorney General Thomas S. Lawson was advised from Washington late Friday that his request had been granted for a further extension of the time limit for the filing by himself and other Southern attorneys generals of a brief and argument in defense of race segregation laws in effect in their respective states which they believe to be threatened in a test case now pending before U. S. Supreme Court.

The case represents an action brought by Representative Arthur Mitchell, Illinois Congressman, growing out of an incident that occurred many months ago, when he was required to leave a railway Pullman car after it entered the state of Arkansas.

The deadline for submitting briefs by interested parties was originally set for March 24. Calling a conference of Attorneys General of the other Southern states here Thursday to decide whether they would file joint or separate briefs and discuss and adopt a general plan of concerted procedure, Attorney General Lawson asking that the time limit for brief filing be

Washington Post
Washington, D. C

10 States to Urge Congress Decide Segregation Issue

APR 20 1941

Montgomery, Ala., April 19 (AP).—Attorneys general of ten Southern States will contend before the United States Supreme Court that Congress, rather than the courts, "is the proper medium to which an appeal to abolish the practice of segregation should be made."

They are intervening in a case brought by Arthur W. Mitchell, Negro Representative from Illinois, who was required to leave a railroad sleeping car on a trip from Chicago to Hot Springs, Ark., in 1937.

APR 20 1941

Attorney General Thomas S. Lawson, of Alabama, who suggested the intervention, today forwarded to Washington a brief setting out grounds on which it was claimed segregation statutes "were enacted for the purpose of promoting the welfare, comfort, peace and safety of the people of both races."

The brief denies that State segregation statutes violate the fourteenth amendment to the Federal Constitution.

Richmond, Va. News-Leader
April 16, 1941

Staples at Meeting On Segregation Laws

Attorney General Abram P. Staples was in Montgomery, Ala., today attending a conference of Attorneys General of several Southern States on the subject of the recent Supreme Court case involving segregation laws.

The conference was called by Attorney General Thomas S. Lawson, of Alabama, to hear briefs filed in the case which is the result of the ejection of Representative Arthur W. Mitchell, Illinois Negro Congressman, from a railroad sleeping car as it entered Arkansas.

Action in calling such a conference was taken, it was said, as the Southern States' move to protect race segregation laws enforced in the South.

Amsterdam News
New York, N. Y.

The Mitchell Jim Crow Case

The United States Supreme Court, having heard arguments from both sides, soon will hand down its decision in the celebrated Mitchell case. Last week the Illinois Congressman (Arthur W. Mitchell) appeared in person before the nation's highest tribunal and presented his side of the controversy, which had its inception in 1937 when the legislator was ejected from a Pullman car in Arkansas and compelled to continue his journey from Chicago to Hot Springs in a Jim Crow coach.

MAR 22 1941

First action was filed with the Interstate Commerce Commission in Chicago, where the congressman's plea was denied. He sought relief before the United States district court in Chicago to which he appealed from the ruling of the Commission, but the court decided against him. An appeal was then taken to the United States Supreme Court, marking the first time the matter of discrimination in railroad passenger traffic has been presented before the high court under the Interstate Commerce Act of the Constitution.

Congressman Mitchell is to be congratulated for his determined efforts to have the matter decided by the Supreme Court. This appears evident from the expressed opinion of counsel for the Commission and the railroad, who argued that Mitchell has his remedy in the district court for any damages he feels he suffered as a result of his ouster from the Pullman car, but stoutly resist his efforts to secure a decision that would force the companies to desist in the future from denying Negroes equal accomodations provided for whites paying equal fare.

In other words, the railroad companies are willing to keep on fighting against paying damage suits for its prejudical practices, paying them if necessary, but it doesn't want any rule established whereby they would be forced either to break the Southern custom of segregation, or go to the extra expense of providing first class facilities for Negroes.

It is not within the power of anyone at this time to say how the court will rule. If the decision is against Mitchell, it simply means that the Negro's cause has been set back 75 years, and that the nefarious Jim Crow laws of the South transcend even the laws of the federal government. On the other hand, if the congressman is sustained it means the dawn of a new day for the American Negro...It means another hurdle in his stride toward a better life in this country has been cleared.

Miami. Fla. Herald
April 29, 1941

Pullman Color Line Effaced By U. S. Supreme Court Ruling

The United States Supreme court ruled Monday that negroes are entitled to the same first-class services and accommodations on Pullman cars that white passengers enjoy, but the decision will cause no changes in Florida.

State Attorney General J. Tom Watson, visiting in Miami, said Florida recognizes negroes' rights and joined 11 other Southern states in filing a brief in the case which brought the ruling.

Florida has a segregation law requiring separate accommodations for negroes and white persons. Segregation is not discrimination, Watson asserted, and the state law remains in effect. It requires equal accommodations for negroes along with segregation, he stated.

Little Demand For Service

"We have no trouble here," the attorney general declared. "If a negro wants a Pullman berth, he gets it."

Railroad officials said there is practically no demand by negroes for Pullman accommodations, and when there are colored sleeper passengers they are given a separate car, as required by state law.

"We sometimes add a Pullman to our train for negroes," said R. T. Jeffries, assistant general passenger agent of the Florida East Coast Railway.

Thomas W. Luckett, assistant general passenger agent for the Seaboard Air Line Railway, declared he had no recollection of a negro purchasing a Pullman ticket in Miami in the line's entire history of service here.

The Supreme court's decision, reversing judgments of the interstate commerce commission and a lower court, was a victory for Congressman Arthur W. Mitchell, Democrat of Illinois, in his three-year campaign for equal Pullman facilities for members of his race.

Forced To Leave Pullman

Mitchell began suit after he was compelled to move from a Pullman car to a "Jim Crow" coach while traveling on the Chicago, Rock Island and Pacific Railroad between Memphis, Tenn., and Hot Springs, Ark.

"Colored passengers who buy first-class tickets must be furnished with accommodations equal in comforts and conveniences to those afforded to first-class white passengers," said Chief Justice Charles Evans Hughes.

The interstate commerce commission had held that the railroads were justified in refusing to provide first-class Pullman accommodations for negroes because of the small amount of such negro travel.

"The comparative volume of traffic cannot justify the denial of a fundamental right of equality of treatment, a right specifically safeguarded by the provisions of the interstate commerce act," Hughes held.

Spartanburg, S. C. Journal
April 28, 1941

Negroes May Ride Pullmans Interstate

Supreme Court So Rules in Case of Negro Congressman

WASHINGTON, April 28 (AP).—The supreme court held today that negroes traveling from one state to another are entitled to railroad accommodations equal to those furnished white persons.

Chief Justice Hughes delivered the decision on a test case brought by Representative Arthur W. Mitchell (D.-Ill.), the only negro member of congress. No dissent was announced.

Mitchell contended that he had been "forcibly ejected" from a Pullman in Arkansas, while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second-class accommodations."

"This," Hughes asserted, "was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a negro.

"The question whether this was a discrimination forbidden by the interstate commerce act is not a question of segregation but one of equality of treatment. The denial of appellant (Mitchell) of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the 14th amendment, and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust."

Montgomery, Ala. Journal
April 29, 1941

Negro Accommodations

The worst result that could come from the Supreme Court's decision requiring equal accommodations for negroes and whites on interstate railroad trains would be the arousing of race feeling of such character as to be harmful and dangerous to both races. There is no need for such feeling. The people of the South are sensible, and they are realists. They have seen for some time, and most of them have been sympathetic with, the changes under way. The remarkable progress of the Negro race in recent years has been due more than anything else to the helpful attitude of the white people of the South and their willingness to assist and co-operate with the members of the Negro race in their upward climb.

No thoughtful person can fail to see the far reaching nature of certain recent decisions by the Supreme court affecting race relations, and the changes which they involve must be brought about, not violently, and in angry resentment, but gradually, as they can be provided. The court decision does not affect Southern laws on segregation of the races. It provides only for "as good" accommodations for negroes in interstate travel as are provided for whites. The small number of Negroes buying Pullman tickets in the South makes this difficult for the railroads, because of the need for separate cars for the races under the South's segregation statutes.

There will be equal difficulty in meeting other recent court requirements. A Negro applied for admission to the University of Missouri medical school. The high court held that he must be admitted to the publicly supported institution, or that the state must provide him with equal opportunity otherwise, to get a medical education. The Supreme court held recently that Negro school teachers of equal grade and ability must be paid the same salaries as whites of the same grade and capacity. In Alabama alone it would cost the state $4,000,000 additional a year in teachers' salaries to bring the Negro salary scale up to that of the whites. The only other alternative would be to reduce the white salaries to the level of the Negro salaries.

These cases indicate the physical difficulties encountered in carrying out the requirements for equality of treatment and accommodations. It must be brought about gradually. The state of Alabama cannot bring $4,000,000 a year out of thin air. The state of Missouri and the other Southern states cannot provide overnight for the higher education of members of the Negro race, only a few of whom have heretofore even sought such facilities in the schools of the North. Alabama has already made progress in providing such facilities at the State Normal in Montgomery.

These subjects must be approached in a commonsense frame of mind. The average man and woman of the South wants to see absolute fairness done to members of the Nergo race just as soon as, they show themselves to be worthy of such treatment. They will adjust themselves to the new requirements if given reasonable opportunity to work out the subject to the advantage of all concerned.

The main thing for all of us to keep in mind is that segregation is not involved in these recent decisions. It is all a matter of equality of accommodations, and the failure to provide equal accommodations for the money which the Negro pays out. Hot heads can make it more difficult than ever to make the new adjustments. Sensible members of both races will approach the problem sensibly and sympathetically.

Concord, N. C. Tribune
May 6, 1941

"JIM CROW" DECISION.

Greenville News.

The Supreme Court of the United States has upheld Arthur W. Mitchell, Negro Congressman from Illinois, in his contention that he suffered an unconstitutional discrimination by being ejected from a Pullman car in Arkansas while on an interestate journey.

In this decision the court, one judges from press summaries, takes a position harmonious with that in various other recent decisions—that the races must be given equal treatment in the matter of public accommodations or public services or treatment.

The court does not hold against segregation of races, whether in public educational institutions or common carriers; but it holds that where there is segregation, the accommodations must be of equal character; or in general that there must be no discrimination as to treatment on the ground of race.

Chicago Defender
Chicago, Illinois

CONG. MITCHELL OVERJOYED AT COURT VICTORY

MAY 3 - 1941

'I Fought Case Single-Handed' Boasts Solon In Interview

Congressman Arthur W. Mitchell was in Chicago to deliver an address before the National Association of Postmasters when he learned of the favorable decision of the United States Supreme court in his case against the Inter-State Commerce Commission and the Chicago, Rock Island and Pacific Railway.

The court decision will make it mandatory that railroads give equal accommodations to travelers regardless of race when they are traveling from one state to another.

"Naturally I am overjoyed at the verdict," Mitchell said in his office in the Regal building.

"This is the first time that a real court action, aimed at the heart of Jim Crow has been filed, properly presented and fought through to a conclusion," the congressman asserted.

MAY 3 - 1941

"I fought the case single handed," he continued. "Richard Westbrooks, that able attorney from this city and I did all the legal work and I paid every cent of the expenses out of my own pocket. The N.A.A.C.P. and a few individuals wished to enter the case after it appeared that I had a chance to win but I was determined to complete the task myself.

"One thing you can say and that is that Arthur Mitchell is a fighter and can be counted upon to stay in the battle to the finish. What a sorry and contemptible sight the attorney generals from those 10 states, sworn to uphold the constitution of the United States represent.

"Crawling to court that sought to nullify the statute which gave to all American citizens equality under the law which they within the confines of their individual states deny. Negroes will now be able to travel from north to south and from south to north decently if they wish to pay for that type accommodations."

Daily World
Atlanta, Georgia

Negroes Rate Equal Rail Accommo dations, High Court Is Told

MAR 14 1941

Contention Outgrowth Of Congressman Mitchell's Case

WASHINGTON, D. C.—(ANP)—Solicitor General Francis Biddle told the supreme court Thursday that railroads should give Negroes traveling from one state to another accommodations equal to those provided for whites.

This contention was presented by the justice department in a brief filed in connection with litigation brought by Representative Arthur W. Mitchell, only Negro congressman. Mitchell contended he was "forcibly ejected" from a Pullman car in Arkansas while traveling from Chicago to Hot Springs in 1937.

MAR 14 1941

Biddle noted that although the supreme court had ruled that a railroad "without regard to the inter or intrastate character of the journey, had power to segregate white and colored passengers", it had been assumed that "the separate accommodations must be of equal quality."

Washington Post
Washington, D. C.

Mitchell Fights Jim Crow Rule In High Court

MAR 14 1941

By the Associated Press

Representative Arthur W. Mitchell (Democrat), of Illinois, the only Negro member of Congress, argued before the Supreme Court yesterday that members of his race travelling from one State to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

Arguing in his own behalf, Mitchell said he had been "forcibly ejected" from a pullman in Arkansas while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

"Even when a member of our race reaches the highest position in the Government yet attained," he said sarcastically "he still is not entitled to more than second class accommodations in a filthy coach."

MAR 14 1941

Extra Seats Denied Mitchell

Mitchell's suit for equal facilities was dismissed by the Interstate Commerce Commission and by Federal District Court for northern Illinois.

J. Stanley Payne, assistant chief counsel of the Interstate Commission, and Wallace T. Hughes, Chicako attorney for the railroads involved, said the demand by Negroes in Arkansas for Pullman facilities was "virtually nonexistent."

Justices Black, Stone and Frankfurter pointed out in questioning the attorney that there were extra seats on the Pullman which would have been sold to white persons but were denied to Mitchell. When Payne explained that railroads would be subjected to heavy expense if required to provide equal dining car accommodations for negroes, Chief Justice Hughes commented:

MAR 14 1941

"Of course, they could meet that difficulty by admitting colored persons to the dining car."

Fear Loss of Business

"The question then would be," Payne replied, "whether the railroad would have any other customers in the dining car."

He added that there was "a sentiment for segregation" in certain areas of the United States.

Richard E. Westbrooks, Chicago attorney, argued on behalf of Mitchell that "the volume of traffic," he added, "has no bearing on the constitutional rights of citizens."

Globe and Independent
Nashville, Tenn.

Dixie Lawgivers Alarmed, Urge South To Resist Tampering With Tradition

MAR 21 1941

MONTGOMERY, Ala., Mar. 20—(ANP)—Thomas E. Lawson, attorney-general of Alabama, seeing a threat to statutes of Southern states requiring the segregation of races on railroads, has invited similar officials of 10 other Southern states to join him in attempting to intervene in the Mitchell case now pending in the United States supreme court.

MAR 21 1941

The case which resulted from the refusal of the Pullman company to allow Rep. Mitchell to ride with first class accommodations in Arkansas in 1937, was appealed to the high court from a three-judge district court which said it had no jurisdiction over the matter.

Lawson wrote the other attorneys general: "The alarming thing to me is that the solicitor general has in effect agreed with the position taken by the appellant, Mitchell.

MAR 21 1941

"The solicitor general recognizes the fact that the supreme court on several occasions ruled that segregation statutes do not violate the Fourteenth amendment, but argues that such statutes can apply only to intrastate transportation of passengers."

Asheville N. C. Times
March 14, 1941

SUPREME COURT GIVES STUDY TO NEGRO'S RIGHTS

Legal Fight Over Pullman Car Privileges Is Laid Before Justices.

WASHINGTON, March 14.—(UP)—The supreme court today took under advisement the legal fight of Rep. Arthur W. Mitchell (D., Il.), the only negro congressman, to obtain equal Pullman car rights for negroes and whites.

Mitchell described to the court yeseterday how he was ejected from a Pullman car in Arkansas in 1937 and forced to ride in "filthy" second class "Jim Crow" coach although he had purchased a first-class ticket. He said the incident was "purely a case of discrimination against a member of the negro race."

Mitchell seeks to compel the Interstate Commerce commission to require all trains to furnish adequate Pullman facilities for negroes and to have state separate-coach laws declared inapplicable to passengers in interstate commerce.

Only One a Year

J. Stanley Payne, ICC attorney, told the court only one negro passenger a year requests Pullman accommodations on the Memphis, Tenn., to Little Rock,, Ark., run of the Chicago, Rock Island and Pacific railroad, on which Mitchell's experience took place.

Ordinarily, the train allows such customers to use drawing rooms at the price of a Pullman seat, he said, and in Mitchell's case the drawing rooms were occupied.

Payne's argument provoked several questions from the justices, Chief Justice Charles Evans Hughes remarking that the matter of equal treatment in dining car facilities might be met by "admitting the colored man to the diner."

Justice Hugo L. Black noted that no place was set aside on the train "exclusively for colored people" and Justice Harlan F. Stone suggested that if additional facilities were provided negro Pullman traffic might be heavier.

Would Create Expense

"What the appelant (Mitchell) wants in substance," Payne argued, "is for the ICC to issue an order, which might put the railroad to a great deal of expense, on the basis of an extraordinary event that might not happen again."

Mitchell asserted that "if you are a negro, it doesn't matter how high you have gone, you are compelled to take the accommodations of the lowest."

"I was embarrassed in the lower courts," he said, "when an attorney for the ICC argued that there was no reasonable discrimination when a member of the colored race was only required to move from a first-class to a second-class car—was only deprived of the right to eat while he traveled."

Pittsburgh Courier
Pittsburgh, Pa.

RAILROAD JIM-CROW ISSUE; GOVERNORS' CONFERENCE URGED

MAR 22 1941

Gov. Frank Dixon of Alabama Wants Chief Executives of Ten Other States to Meet and Act on Congressman's Fight To End Existing Segregation Laws.

MAR 22 1941

MONTGOMERY, Ala., Mar. 20—(Special)—While Representative Arthur W. Mitchell of Illinois, only Negro member of Congress, argued last week before the U. S. Supreme Court in Washington, that Negroes are entitled to equal accommodations when traveling over a railroad from one state to another state—Gov. Fank M. Dixon joined with Atty. Gen. T. S. Lawson, one of the prosecutors in final trials of the Scottsboro cases, in calling for concerted action by the southern states in meeting the challenge to existing race segregation laws.

Gov. Dixon, in a letter addressed to the Governors of 10 other southern states whose "social structure" would be affected by decision of the case now before the Supreme Court, suggested a conference of the attorneys general of the respective states concerned; and stated just before leaving to attend a meeting of the southern governors' conference in New Orleans over the week-end, that he would take the matter up personally with other governors attending the meeting.

GOVERNORS TO CALL CONFERENCE

MAR 22 1941

The Governor, in his letter dispatched Thursday to the southern states capitals, referred to a letter written by Atty. Gen. Lawson to the attorneys general of the same states. Gov. Dixon wrote as follows

"You will find enclosed herewith a copy of a letter today being forwarded by Hon. Thomas S. Lawson, attorney General of Alabama, to the attorney general of South Carolina, as well as the attorneys general of other southern states. Following up his letter, it appears to me that the matter is of sufficient importance to justify a meeting of the attorneys general of the various states, the social structure of which would be affected by the outcome of this case, for the purpose of arriving at definite conclusions as to how this threat should be met.

"Please advise me as to your reaction and if a sufficient number of our southern states are in accord, I will, in cooperation with the attorney general of Alabama, proceed to set a date for the meeting and get out invitations.

"For myself and for this state I say unhesitatingly that such a meeting should be held and be held in the immediate future. The consequence of the failure to act on our part would, in my opinion will be very serious insofar as the well-being of our people is concerned."

ALARMED OVER BIDDLE'S STAND

Attorney General Lawson said in his letter which was addressed to the attorney general of the states of Virginia, Georgia, Florida, North Carolina, South Carolina, Mississippi, Louisiana, Texas, Tennessee and Arkansas:

The alarming thing to me is that the solicitor general, in his memorandum, has in effect agreed with the position taken by the appellant, Mitchell.

MAR 22 1941

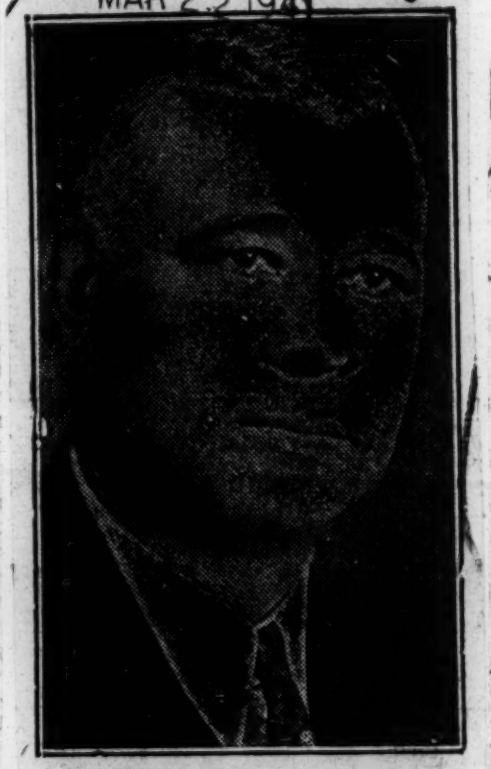
"The solicitor general, in his memorandum, recognizes the fact that the Supreme Court of the United States has on several occasions ruled that segregation statutes do not violate the Fourteenth Amendment, but argues that such statutes can apply only to intrastate transportation of passengers.

"It may be that your Supreme Court has heretofore passed on the question as to whether or not your segregation statutes are applicable to interstate as well as intrastate travellers. Regardless of the position which your court may have taken on the matter, I believe that it would be wise for the attorneys general of the southern states to give serious consideration to the possible effects of an unfavorable decision by the Supreme Court of the United States on the pending matter. I would appreciate it if you would advise me as to whether or not you would be interested in joining me in an attempt to secure an opportunity to file an amicus curial brief in the Supreme Court of the United States. I have talked to Attorney General Holt, of Arkansas, about the matter, and he agrees with me that the attorneys general of the interested states should be contacted as to any course which we might desire to follow in the future."

Negro Labor News
Houston, Texas

ILLINOIS SOLON JIM CROW CASE TO SUPREME COURT

MAR 22 1941



CONGRESSMAN MITCHELL

MAR 22 1941

WASHINGTON, D. C. —(ANP)— Congressman Arthur Mitchell of Illinois appeared before the United States Supreme Court last week to present his briefs and arguments in the celebrated case growing out of his ejection from a pullman car while traveling in the South in 1937.

The test case was instituted to determine whether railroads must give Negroes traveling from one state to another accommodations equal to those given white persons.

Seeks Equality In Transportation

Representative Mitchell asserted in his brief connected with the arguments that "single justice in the interpretation and applicaiton of the constitution should require equality in interstate transportation of all American citizens without regard to race or color."

His position was given support by the department of justice which expressed the view that the Interstate Commerce Commission had erred in dismissing his petition for equal accommodations.

MAR 22 1941

Appearing with the congressman and aiding in the case was Counsellor Richard Westbrooks of Chicago. A white attorney for the Rock Island Railroad and another white attorney from the Interstate Commerce Commission oppcsed the two Negro lawyers with the full court, Chief Justice Hughes presiding, hearing the case.

Afro-American
Baltimore, Maryland

Mitchell Case Irks Alabama Governor

MAR 22 1941

MONTGOMERY, Ala. — Congressman Arthur W. Mitchell's Supreme Court suit, a threat to segregation on railroads, particularly in the South, is causing Governor Frank Dixon of Alabama no little worry.

In an effort to preserve the age-old custom of the South, Governor Dixon, through Attorney General T. S. Lawson has invited similar officials of ten other Southern States to join with him in intervening in the case, which if won, will affect the "social structure" of the South.

MAR 22 1941

Declaring that such a meeting should be held immediately, the Governor pointed out that "the consequence of the failure to act on our part would, in my opinion be very serious insofar as the well-being of our people is concerned."

News
Birmingham, Ala.

South Granted Delay In 'Jim Crow' Battle

MAR 20 1941

MONTGOMERY, Ala.— (AP) —The U. S. Supreme Court Thursday gave Southern attorneys general until March 29 to file intervening briefs, if they determine to do so, in a case involving validity of the South's laws requiring race segregation.

MAR 20 1941

The extension was granted a few hours before attorneys general from several Dixie commonwealths were to convene here to decide upon possible intervention. Originally a deadline of March 24 had been fixed for filing of briefs.

Atty. Gen. Eugene Stanley, of Louisiana, was the first to arrive and went into conference with Atty. Gen. Thomas S. Lawson, of Alabama, who called Thursday's meeting.

Advertiser
Montgomery, Ala.

Jim Crow Parley On Here Today

MAR 20 1941

Representatives of the legal departments of a number of Southern States will confer here today with Atty. Gen. T. S. Lawson on the question of filing a brief with the U. S. Supreme Court in the case pending before it involving constitutionality of the Arkansas railroad racial segregation law.

MAR 20 1941

Atty. Gen. Lawson was advised Wednesday that Eugene Stanley, attorney general of Louisiana, would be here for the conference or send a representative. He was also notified by the solicitor general of Tennessee that Gov. Prentice Cooper had approved that State's joining in the proposed intervention.

The attorneys general of Florida and Mississippi had previously advised Alabama's attorney general that they would be here, and Texas is sending her first assistant attorney general.

Mr. Lawson said Wednesday night he had received no reply to his request of Tuesday to the U. S. Supreme Court for more time in which to take action in event it was decided upon. As matters stand, Monday is the deadline for filing a brief in the case.

Atty. Gen. Lawson was in Tuscaloosa Wednesday, delivering an address before the law students of the University. He spoke on the office of the attorney general and its functions.

30-1941

New York Times
New York, N. Y.

ILLINOIS

SOLID SOUTH TAKES STAND ON RACE SEGREGATION LAWS

APR 27 1941

Ten States Join in Unprecedented Appeal To the Supreme Court Not to Take Action

JUSTICE FRANKFURTER

APR 27 1941

Manditch

Southerners quoted him.

By EDWIN CAMP

ATLANTA, April 26—An appeal this week to the Supreme Court of the United States urging the tribunal not to decide a case involving racial segregation laws has focused the attention of thoughtful Southerners on what is probably the most important social movement the section has experienced since the days of Reconstruction.

The appeal itself is said to be a communication probably without precedent. It was drawn jointly by the Attorneys General of ten States, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas and Virginia. It was sent as an intervening amicus curiae brief and asked the court not to rule on the appeal of Arthur W. Mitchell, a Chicago Negro Representative in Congress.

Basis of Complaint

Representative Mitchell had been required to leave a Pullman car and enter a separate coach when a train on which he was traveling from Chicago to Hot Springs reached the Arkansas line.

APR 27 1941

The brief opposes the appeal on some grounds which may be termed technical, but emphasizes in its contentions the social aspects of segregation. Citing a decision in which the Supreme Court decided against Pullman car porters who had complained of a Texas statute as discriminatory, the brief quotes the language of Justice Frankfurter holding that the complaint "touches a sensitive area of social policy upon which the Federal courts ought not to enter unless no alternative to its adjudication is open."

The brief goes on to say that "such (segregation) statutes were enacted for the purpose of promoting the welfare, comfort, peace and safety of the people of both races, and adds: "We believe it is a matter of common knowledge, which this court judicially knows, that in those States which are parties to this brief, where large numbers of both races reside, such statutes do, in truth and in fact, promote the welfare, comfort, peace and safety of the people of both races."

Denial is made that the segregation laws have the intent of harassing or oppressing. It is said they are for the protection and benefit of both races, and the brief contends that Congress, not the courts, is the proper forum in which an appeal to abolish segregation should be made.

APR 27 1941

Other Laws Similar

Only the Arkansas statute is in question in the suit of Representative Mitchell, but the nine other States have similar laws, and a decision invalidating the Arkansas statute is regarded as certain to break down all State and municipal [illegible] to go along patiently with the whites in the effort to work out the problem, admitting that the financial difficulties are severe and that immediate conformity by the States could only result in lowering the standards and the facilities of all education. The more aggressive Negroes insist on speedy action.

Somewhat in abeyance is the matter of supplying Southern Negroes with higher education facilities equal to those for whites. North Carolina, however, is going ahead with plans for a law college.

Throughout the section leading Negroes and whites are working together on the problems raised by the legal requirements of equality. They are working with a singleness of purpose and a tolerant understanding and sympathy which would have seemed impossible a decade ago.

APR 27 1941

Wide Approval in Press

For example, The Charlotte (N. C.) News said recently: "The South has always spent $5 on every white pupil to $1 for the Negro. This is short-sighted policy. * * * The only way segregation can be just is for the Negro to have his portion measured out with the same spoon used for the white."

The Richmond Times-Dispatch asserted: "We must accept the inevitable gracefully and cooperate with our Negro fellow-citizens in working out an amicable solution."

And the other day, in Mississippi, appeared this editorial in The Jackson Daily News: "Present manner of distributing the common school fund is a lie and a fraud on its face. Further subterfuge or camouflage will be useless. The nation's tribunal of last resort has spoken. Whether you like the decision or not doesn't matter. It must be obeyed."

[illegible] requirements of segregation in railway and street cars, theatres, hotels and restaurants and schools.

Only a week before the action of the Attorneys General, the educational leaders of fourteen Southern States met in Atlanta to consider the problem of equalizing the pay checks of Negro and white teachers in the public schools required by a recent Supreme Court decision in the Gaines case from Norfolk. In addition to the ten States acting in the Mitchell case, North Carolina, South Carolina, Oklahoma and Kentucky were represented here.

There is no disposition by the educators to resist the mandate of the Supreme Court. Its terms are definite and conclusive that States must maintain equal school facilities for Negro and white children and pay equal salaries without regard to color.

APR 27 1941

To meet the requirements of the law, Ralph Ramsey, secretary of the Georgia Education Association, figures an additional $75,000,000 a year would be required in the South for salaries and $325,000,000 for physical facilities.

Look to Congress

White leaders argue, with considerable statistical support, that the Southern States cannot undertake such a burden alone; that the low earning power of the section is already overtaxed, with the whites paying heavily for the education of the Negroes. They ask Congress to enact a bill now before the Senate to provide the necessary funds.

The more moderate Negro leaders

HE FIGHTS SEGREGATION

APR 27 1941

Times Wide World

Rep. Arthur W. Mitchell.

New York Times
New York, N. Y.

10 STATES PROTEST 'JIM CROW' REVIEW

APR 22 1941

Southern Attorneys-General Seek to Limit Issue Before Supreme Court

Special to THE NEW YORK TIMES.

WASHINGTON, April 21—Ten Southern States protested today against a Supreme Court review of the constitutionality of State "Jim Crow" laws, in so far as these statutes may be applied to travelers in interstate commerce.

Through their attorneys general, the States filed a brief insisting that such laws are valid but stating that they were improperly before the court in the case brought by Representative Arthur W. Mitchell, Democrat, of Chicago.

Arkansas, whose law is concerned in the Mitchell case, was one of the signers. Others were Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas and Virginia. All have segregation laws.

APR 22 1941

"We are interested," said the brief, "in seeing that this case is disposed of without a consideration of the question of whether or not the separate coach law (of Arkansas) is applicable to interstate, as well as intrastate, passengers, and without a consideration of whether or not said law, if applicable to both, is unconstitutional as an unauthorized interference with, and burden upon, interstate commerce."

The ten States desire the decision confined to the question of the authority of the Interstate Commerce Commission to dismiss the Congressman's original complaint. He sued because, while traveling from Chicago to Hot Springs, Ark., he was forced to leave a Pullman and go into a coach for Negroes as the train reached the Arkansas line.

"The (segregation) laws were enacted not for the purpose of discriminating against, harassing, oppressing, or imposing a burden upon the members of either race, but, rather, for the benefit and protection of the members of both races," the ten States said in their brief.

APR 22 1941

Congress is the proper forum to which an appeal should be made to abolish the practice of segregation, the attorneys general argued, remarking that Representative Mitchell introduced such a proposal in January, 1938. State segregation laws, the brief signers added, do not violate the Fourteenth (Equal Protection) Amendment of the Constitution.

Arguments of the Mitchell case were heard by the Supreme Court a month ago, but no decision has yet been announced.

Journal and Guide
Norfolk, Virginia

Political Hysteria

APR 26 1941

VIRGINIA is listed among ten southern states which are filing an intervenor's brief before the United States Supreme Court in the Mitchell case involving the denial to Negroes of equal accommodations on public carriers under the racial separation laws.

The Mitchell case was argued before the Supreme Court on March 13th on an appeal from the United State District Court for the Southern District of Illinois, which had upheld a ruling of the Interstate Commerce Commission that the railroads need not provide equal accommodations in inter-state travel regardless of the expense involved.

APR 26 1941

Solicitor General Francis Biddle has filed a brief contesting the position of the Interstate Commerce Commission.

Separation Not Affected

The Mitchell case is unique. It is not an attack upon the jimcrow laws as such. It is a test brought to compel the railroads and other public carriers to live up to the letter of the law.

When the Mitchell case was argued before the Supreme Court certain questions were asked counsel for the railroads by Justices Black, Stone, Frankfurter, and Hughes, which indicated that the court might rule against the practice of giving Negroes inferior accommodations for the same fares that other races paid for superior accommodations.

Immediately Governor Frank Dixon, of Alabama, undertook to bring about the intervention of the southern states through their legal departments in an effort to see that the railroads were permitted to go on discriminating. The Alabama governor finally organized his own state, Arkansas, Georgia, Florida, Louisiana, Mississippi, Tennessee, Texas, Virginia and Kentucky, in a move to defend their jimcrow laws.

APR 26 1941

Ill-Timed Action

Negroes of the south must stand aghast at this astonishing move at this particular time. Negroes of Virginia certainly do stand aghast at the participation of the Old Dominion in a movement to freeze the jimcrow laws as to common carriers at their present intolerable, unjust and indecent level, as enforced on a majority of the transportation lines.

The most that the railroads would have to do if the Supreme Court decided in Mr. Mitchell's favor would be to renovate and modernize their colored coaches and compartments, as the better railroads are doing, and require the Pullman Company to equip their cars with colored compartments. There is nothing in the case to create political hysteria in the south. There is nothing in the case that should cause the states to raise the issue of jim-crowism at this time.

Christian Recorder
Philadelphia, Pa.

SOUTH OPPOSES JIM CROW RULING

Ten Attorneys General Ask Supreme Court to Avoid Decision

MAY 8 1941

WASHINGTON,—A (U.P.) Release says:—The Attorneys General of 10 Southern States today urged the Supreme Court to avoid a ruling on the Constitutionality of State "Jim Crow" laws was applied to interstate passengers. The argument was made in the case of Representative Arthur W Mitchell (D., Ill.) who is seeking equal Pullman accommodations for Negroes.

The State officials maintained, however, such State laws are valid.

States Submit Brief

The brief was submitted by Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas and Virginia. Each of the States has a statute requiring Negroes to travel in separate coaches.

"These statutes," the brief said, "were enacted by the Legislatures. not for the purpose of discriminating against, harassing, oppressing or imposing a burden upon the members of either race, but rather for the benefit and protection of the members of both races."

MAY 8 1941

Decision Cited

The brief cited an 1896 Supreme Court decision that held "a statute which implies merely a legal distinction between the white and colored races has no tendency to destroy the legal equality of the two races, or reestablish a state of involuntary servitude."

Daily World
Atlanta, Georgia

Say It's Same As One In '14

MAY 4 1941

Fundamental Issue Of Jim Crow Still Ignored–White

NEW YORK — (ANP) — Opinions varied as to the net effect of Chief Justice Charles Evans Hughes' decision in the case of Congressman Arthur W. Mitchell vs Interstate Commerce commission, handed down in the supreme court on Monday. Following is a sampling of the views expressed in various quarters.

MAY 4 1941

Walter White, executive secretary, NAACP.: "The NAACP is pleased that the United States Supreme court has taken the position it has in the Mitchell jim-crow car case, however, the decision goes on further than one handed down also by Chief Justice Hughes in 1914 in the case of McCabe vs. Atchison, Topeka and Santa Fe R. R. (235 US 151). Both decisions ignored the fundamental issues of segregation and provided means for substantial equality.

"It is manifestly unsound economically to expect in this or anv other generation equal dual systems of transportation, education or other accommodation in tax-supported institutions or public utilities. The time for real jubilation and for belief that democracy is being attained will come with the courts unequivocally srike down all methods and modes of segregation on account of race, creed or color".

Eugene Kinckle Jones, executive secretary, National Urban league: "The decision is a step in the direction of voiding jim-crow laws. I feel that we should be happy over this evidence of a just interpretation of our constitution by a liberal supreme court."

MAY 4 1941

Mrs. Mabel K. Staupers, executive secretary, National Assoqiation of Colored Graduate Nurses (letter to Mitchell) "Those of us who know the significance of your victory and how costly this victory must have been to you feel deeply grateful. For seven years I have done field work for the NACGN and very often had to travel in dirtv jim-crow cars.

"Your fight was not a personal one; it was for all of us; and, as you have stated, this decision is a step in the destruction of jim-crow".

MAY 4 1941

Eardlie John, assistant corporation counsel, city of New York: "This decision is not unique for it states no new principle of law nor does it, as a matter of fact, outlaw the jim-crow car. As is said by Mr. Justice Hughes, 'the question whether this was a discrimination forbidden by the Interstate Commerce act is not a question of segregation but one of equality of treatment'. The court specifically says that it is not concerned with segregation. What is (the decision) does call for is simply substantial equality. As we know it, the jim-crow-car will continue".

Daily World
Atlanta, Georgia

ICC Awaits Mitchell Decision

Says Action Will Follow Receipt Of New Order

MAY 1 1 1941

WASHINGTON—(ANP) — The Interstate Commerce commission, through its secretary, W. P. Bartel. told the Associated Negro Press Thursday morning that no information had been received by the department with reference to the findings of the supreme Court in its decision favoring Congressman Arthur Mitchell's plea for a reversal of the decision of that body denying him rghts due a traveler on southern roads.

"The commission has no record of any order at present" said Mr. Bartel, "it first has to go to the district court, which is instructed according to the decision of the supreme court, to reverse the former decision then it comes back through th eInterstate Commerce commission.

MAY 1 1 1941

"When this is done. the commission will comply with the ruling of the Court without delay. There should be only a short time before this ruling is made and comes to us. Then we will take the steps as directed by the court.

"To my knowledge no date has been set as an ultimatum for the railroads to comply with and our legal division, through Stanley Payne, the assistant counsel in charge of that particular case, has no word as yet. But we will follow through on the procedure when it reaches us just as the court has ordered. Although no date has been set as yet, the Interstate Commerce commission won't delay its action."

30-1941 ILLINOIS

Negroes Rate Equal Rail Accommodations High Court Is Told

MAR 1 5 1941

Contention Outgrowth Of Congressman Mitchell's Case

MAR 1 5 1941

WASHINGTON, D. C.—(ANP)—Solicitor General Francis Biddle told the supreme court Thursday that railroads should give Negroes traveling from one state to another accommodations equal to those provided for whites.

MAR 1 5 1941

This contention was presented by the justice department in a brief filed in connection with litigation brought by Representative Arthur W. Mitchell, only Negro congressman. Mitchell contended he was "forcibly ejected" from a Pullman car in Arkansas while traveling from Chicago to Hot Springs in 1937.

MAR 1 5 1941

Biddle noted that although the supreme court had ruled that a railroad "without regard to the inter or intrastate character of the journey, had power to segregate white and colored passengers", it had been assumed that "the separate accommodations must be of equal quality."

"Of course, they could meet that difficulty by admitting colored persons to the dining car."

"The question then would be," Payne replied, "whether the railroad would have any other customers in the dining car."

He added that there was "a sentiment for segregation" in certain areas of the United States.

Richard E. Westbrooks, Chicago attorney, argued on behalf of Mitchell that the 14th Amendment to the Constitution "gives constitutional rights of citizens."

The Justice Department recently filed a brief contesting the position of the Interstate Commission. Solicitor General Francis Biddle asserted that the Constitution required equal facilities for negroes regardless of the expense.

MAR 1 5 1941

in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

MAR 1 5 1941

"Even when a member of his race reaches the highest position in the government yet attained," he said sarcastically, "he still is not entitled to more than second class accommodations in a filthy coach."

A large number of negroes were seated in the courtroom as Mitchell and other attorneys debated the legal controversy. Mitchell's suit for equal facilities was dismissed by the Interstate Commerce Commission and by Federal District Court for Northern Illinois.

MAR 1 4 1941

J. Stanley Payne, assistant chief counsel of the Interstate Commission, and Wallace T. Hughes, Chicago attorney for the railroads involved, said the demand by negroes in Arkansas for Pullman facilities was "virtually non-existent."

Payne explained that the customary practice on the Chicago, Rock Island and Pacific trains ridden by Mitchell was to place a negro having a Pullman ticket in a drawing room when one was available and to charge "only seat fair."

Justices Black, Stone and Frankfurter pointed out in questioning the attorney that there were extra seats on the Pullman which would have been sold to white persons but were denied to Mitchell. When Payne explained that railroads would be subjected to heavy expense if required to provide equal dining car accommodations for negroes, Chief Justice Hughes commented:

Advertiser
Montgomery, Ala.

Mitchell Airs Woes In Supreme Court

WASHINGTON, March 13.—(AP)—Representative Arthur W. Mitchell (D), Illinois, the only negro member of Congress, argued before the Supreme Court today that members of his race travelling from one State to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

Arguing in his own behalf, Mitchell said he had been "forcibly ejected" from a Pullman in Arkansas while traveling from Chicago to Hot Springs

Advertiser
Montgomery, Ala.

Lawson Seeks More Time For Jim Crow Brief

MAR 19 1941

Attorneys General From Other Southern States To Hold Parley Here

Conference of Southern States' attorneys general interested in upholding racial segregation laws of the South will be held here Thursday, Atty. Gen. T. S. Lawson said Tuesday. He also revealed that he had asked the U. S. Supreme Court for extension of time in which to file a brief in the pending case, in which the constitutionality of the Arkansas railroad segregation law is attacked on complaint of Arthur Mitchell, negro congressman from Illinois.

Coming to Montgomery Thursday for the conference are Atty. Gen. Thomas Watson, of Florida; Atty. Gen. Greek Rice, of Mississippi; First Assistant Atty. Gen. Sellers, of Texas; probably a representative of the Georgia attorney-general; Ellis Arnall; and perhaps others. Atty. Gen. Hubert Meredith of Kentucky has authorized Alabama's attorney general to "join" Kentucky in the brief to be filed.

Atty. Gen. Lawson wrote the attorneys general of other Southern States March 12, proposing joint action to meet the threat to racial segregation laws of the South in the Arkansas case. The case was argued before the U. S. Supreme Court in Washington the next day, and Atty. Gen. Lawson was advised Saturday by the clerk of the Supreme Court that he would have until March 24 to file a brief. The record in the case did not reach him until noon Tuesday, and in view of the scant time remaining he wired request for extension of time.

The pending case originated when Congressman Mitchell was required to leave a Pullman after it had crossed the Arkansas State line. While only the Arkansas statute is directly attacked, the decision is expected to have a broad general effect on similar laws throughout the South.

MAR 19 1941

Plans for a southwide conference have been hampered by the short time remaining in which to act. The fact that a number of States will send their attorney general or representative here Thursday is evidence of interest aroused by Mr. Lawson's suggestion.

New York Age
New York, N. Y.

JUSTICE DEPT. AIDS MITCHELL

MAR 1 5 1941

Solicitor General Upholds Legislator's Fight For Discrimination Ban

WASHINGTON, D. C.—The now-famous fight of Congressman Arthur W. Mitchell against the jim-crow regulation of Southern railroads gained official stamp of approval from the nation's Department of Justice last week.

In an opinion filed with the Supreme Court, Solicitor-General Francis Biddle stated that Negroes travelling from one State to another ought to receive accommodations equal to those provided for whites.

CONGRESSMAN ARTHUR W. MITCHELL

Mitchell's campaign was begun when he was forcibly ejected from a Pullman car in Arkansas while travelling from Chicago to Hot Springs in 1937.

Explaining that the Interstate Commerce Commission had dismissed Mr. Mitchell's petition for equal treatment with white persons because of the "comparatively little colored traffic," Biddle added:

"The majority of the commission considered that it was dealing with a question of colored traffic. It was, however, faced with an issue of the basic liberties and privileges of citizens."

Biddle noted that the Supreme Court had ruled that a railroad "without regard to the inter or intra-State character of the journey, had power by regulation to segregate white and colored passengers." He asserted however that "the separate accommodations must be of equal quality."

Bristol, Va., News-Bulletin
March 14, 1941

COURT HEARS NEGRO SOLON

WASHINGTON, March 14. (AP) — Representative Arthur W. Mitchell (D-Ill), the only negro member of congress, argued before the Supreme court today that members of his race travelling from one state to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

Arguing in his own behalf, Mitchell said he had been "forcibly ejected" from a pullman in Arkansas while travelling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in Jim Crow car with second class accommodations."

"Even when a member of our race reaches the highest position in the government yet attained," he said sarcastically "he still is not entitled to more than second class accommodations in a filthy coach."

A large number of negroes were seated in the courtroom as Mitchell and other attorneys debated the legal controversy. Mitchell's suit for equal facilities was dismissed by the Interstate Commerce Commission and by Federal district court for northern Illinois.

Asheville, N. C., Times
March 21, 1941

Southern States Urge Court Back 'Jim Crow' Laws

MONTGOMERY, Ala., March 21. —(UP)—Nine Southern states will ask the U. S. supreme court to uphold constitutionality of the "Jim Crow" law requiring segregation of white persons and negroes on passenger trains and other public conveyances in the South.

Legal representatives of Alabama, Texas, Florida, Georgia, Louisiana and Mississippi met here yesterday and voted to act together in appealing to the court. Attorney generals of Arkansas, Kentucky and Tennesse telegraphed they would cooperate.

The fight to uphold the "Jim Crow" law has come as a result of an oral appeal to the court by Rep Arthur Mitchell, (R., Ill.) only negro in congress, who attacked the law. He stated he was forced to go from a Pullman seat into the "Jim Crow" car on a train in Arkansas in 1937.

Selma, Ala., Times Journal
March 21, 1941

Attorneys General Await Decision In Segregation Case

MONTGOMERY, Ala., March 2 —(AP)—A group of attorneys genera of Southern States awaited wor today from the supreme court i their request for an extension o time in order to intervene in a cas the regard as a threat to race seg regation laws of the South.

Called by Attorney Genera Thomas S. Lawson of Alabam, the group announced a "brief or briefs' would be filed in the case, which came from the reported ejection of Rep. Arthur W. Mitchell, Illinois negro congressman, from a railroad sleeping car as it entered Arkansas.

Lawson said no decision was reached as to whether the intervention should be filed in the name of Arkansas only or in behalf of all states participating in yesterday's conference.

Time for intervening has been advanced from March 24 to March 29, but the group is requesting another extension to April 20.

States participating in the conference, either through attorneys general or their assistants, were Alabama, Louisiana, Mississippi, Florida, Georgia and Texas.

Talladega, Ala., Daily Home
March 18, 1941

WALK CAREFULLY

High courts of the United States could do well occasionally to remember that there are laws governing the conduct of men which are older and stronger than any rules and regulations for human conduct growing out of the deliberations of black-robed men, who work huddled together in the luxurious seclusion of a monastic office.

A case directly in point is the present consideration of Southern laws upholding the traditional—and very wise—policy of segregation of the races.

A Negro congressman Arthur Mitchell of Chicago, has attacked segregation laws as they apply to transportation and the United States solicitor general has agreed with his contention that they deal only with intrastate passenger traffic

Should the Supreme Court uphold that viewpoint, it would mean that the law would provide that Negroes traveling through more than one Southern state could not be required to ride in the coaches especially provided for them.

Any man dealing with the practicalities of the situation would know that such a change in existing laws would be an act of colossal foolishness, fraught with possibilities which any reasonable man would shrink from contemplating.

Asheville, N. C., Times
March 19, 1941

Tennessee Joins With Others In 'Jim Crow' Case

NASHVILLE, Tenn., March 19.—(UP)—Gov. Prentice Cooper said today he has instructed State Atty. Gen. Roy H. Beeler to join with other Southern states in filing with the U. S. supreme court an intervening petition in the "Jim Crow" case of U. S. Rep. Arthur W. Mitchell, (D., Ill.).

Mitchell, a negro, filed a suit with the Interstate Commerce commission charging racial discrimination because he was forced to leave a Pullman car in Arkansas and take a seat in a coach reserved for negroes.

Anderson, S. C., Independent Trib
March 16, 1941

Southern States Urged To Join In Fight Against Race Equality

ATLANTA, March 15—(AP) — Southern attorneys general are studying state regulations concerning the segregation of white and Negro races on passenger trains, anticipating a supreme court fight over the question.

Thomas S. Lawson, attorney general for Alabama, has requested that attorneys general for other southern states join him in intervening in the case, instigated by Illinois' Negro congressman, Arthur W. Mitchell.

Lawson said that Mitchell attacked the Arkansas railroad segregation statute when he was forced to leave a Pullman car while en route to Hot Springs, Ark., from Chicago in 1937.

Mitchell appealed to the interstate commerce commission, charging "undue and unreasonable prejudice" and asked that the Arkansas carrier be compelled to provide first class passage for all holders of first class tickets.

The I. C. C. dismissed the case, and Mitchell then went to the federal courts, Lawson continued, finally appealing to the supreme court of the United States.

"I have absolutely no patience with anyone who proposes to arouse racial differences and hatreds," Lawson wrote in proposing that the southerners intervene.

Georgia's attorney general Ellis Arnold said he would discuss the question with Governor Eugene Talmadge and act as instructed by the chief executive. He said Georgia law now requires equal accommodations in separate cars or in compartments of cars, while forbidding whites and negroes to occupy the same cars or compart-

Richmond, Va., News-Leader
April 29, 1941

Railway Accommodations

The decision of the Supreme Court of the United States yesterday in the matter of equal railway accommodations for Negroes does not go beyond the original profession of the segregation laws. When those measures were enacted in the Southern States, the law provided that the cars set aside for Negroes should be as good as those for whites. Seldom was this so in actual service, though conditions varied greatly with the different carriers. Now the court asserts that equality of accommodation must be a reality and not a fiction. Why should it not be? What reason is there in this era of competitive transportation for any carrier to deny decent cars to decent passengers of any race?

Winston-Salem, N. C., Sentinel
April 28, 1941

Court Rules Negroes Have Equal Right

Washington (AP).—The Supreme Court held today that Negroes traveling from one state to another are entitled to railroad accommodations equal to those furnished white persons.

Chief Justice Hughes delivered the decision on a test case brought by Representative Arthur W. Mitchell (D-Ill), the only Negro member of Congress. No dissent was announced.

Mitchell contended that he had been "forcibly ejected" from a Pullman in Arkansas, while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second-class accommodations."

"This," Hughes asserted, "was manifestly a discrimination against him, the course of his interstate journey, and admittedly that discrimination was based solely upon the fact that he was a Negro.

"The question whether this was a discrimination forbidden by the Interstate Commerce act is not a question of segregation but one of equality of treatment. The denial of appellant (Mitchell) of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the 14th Amendment, and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust."

Charlotte, N. C., News
April 28, 1941

Equal Rights For Negroes On Trains Is Court Decision

Tribunal Rules for Congressman Who Was Ejected From Pullman

WASHINGTON. —(AP)— The Supreme Court held today that Negroes traveling from one state to another are entitled to railroad accommodations equal to those furnished white persons.

Chief Justice Hughes delivered the decision on a test case brought by Representative Arthur W. Mitchell, Democrat, Illinois, the only Negro member of Congress. No dissent was announced.

IN "JIM CROW" CAR

Mitchell contended that he had been "forcibly ejected" from a Pullman in Arkansas, while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

"This," Hughes asserted, "was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro.

"The question whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation but one of equality of treatment." The denial to appellant (Mitchell) of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the fourteenth amendment, and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust."

The Chief Justice said that because segregation was not involved the court had no occasion to consider the questions discussed by the Attorneys General of ten states in a brief filed with the Supreme Court.

(The brief contended that the litigation did not involve constitutionality of the Arkansas Separate coach law as applied to interstate commerce.

(One of the states was Arkansas. The others, all having similar segregation statutes, were Alabama, Florida, Georgia, Kentucky Louisiana, Mississipupi, Tennessee Texas and Virginia.

(Saying that such legislation "touches a sensitive area of social policy," the states added that the statutes were enacted "for the purpose of promoting the welfare, comfort, peace and safety of the people of both races.")

Saying that the Interstate Commerce Commission had recognized in the past that "colored persons who buy first class tickets must be furnished with accommodations equal in comforts and conveniences to those afforded the first class white passengers," Hughes added:

"We find no sound reason for the failure to apply this principle by holding the discrimination from which the appellant (Mitchell) suffered to be unlawful and by forbidding it in the future."

Hughes said that because there was "but a single incident was not a justification of the treatment" of Mitchell.

LITTLE NEGRO TRAFFIC

The court assumed he said, that the chief reason for the Interstate Commerce Commission's action in dismissing Mitchell's petition was the "comparatively—little colored traffic."

"But the comparative volume of traffic," Hughes added, "cannot justify the denial of a fundamental right of equality of treatment, a right specifically safeguarded by the provisions of the Interstate Commerce Act."

"While the supply of particular facilities may be conditioned upon there being a reasonable demand therefor, if facilities are provided, substantial equality of treatment of persons traveling under like conditions cannot be refused.

"It is the individual who is entitled to the equal protection of the laws—not merely a group of individuals, or a body of persons according to their numbers...

"On the facts here presented, there is no room, as the Government properly says, for administrative or expert judgment with respect to practical difficulties. It is enough that the discrimination shown was palpably unjust and forbidden by the act."

Mitchell's petition for equal rights was dismissed by the Interstate Commerce Commission and by the Northern Illinois Federal District Court.

PUT IN COMPARTMENTS

The Justice Department sided with Mitchell and against the ICC

Counsel for the Chicago, Rock Island and Pacific Railway Co., on whose train Mitchell rode, said the practice was to place Negroes having pullman tickets in a compartment and charging them only seat fare The compartments had been sold out on this particular day, it was explained.

The demand by Negroes for pullman facilities was described by the railway attorney as "virtually nonexistent."

Asheville N C. Times
April 28, 1941

Court Rules For Negro In Rail Dispute

WASHINGTON, April 28.—(AP) —The supreme court held today that negroes traveling from one state to another are entitled to railroad accommodations equal to those furnished white persons.

Chief Justice Hughes delivered the decision on a test case brought by Representative Arthur W. Mitchell (D., Ill.,) the only negro member of congress. No dissent was announced.

Mitchell contended that he had been "forcibly ejected" from a Pullman in Arkansas, while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

"This." Hughes asserted, "was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a negro.

"The question whether this was a discrimination forbidden by the interstate commerce act is not a question of segregation but one of equality of treatment. The denial of appellant (Mitchell) of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the 14th amendment, and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust."

Fayetteville, N. C., Times-News
April 29, 1941

Railroads Must Accommodate 2 Races Equally

Equal Facilities for Negroes Poses New Problem for Railroads

WASHINGTON, Apr. 29. (UP) The nation's railroads must provide the same first class services and accomodations for negroes that are made available to white travellers, the supreme court ruled yesterday.

The decision, which poses a new and complex social problem for the carriers, brought to a triumphant end a three-year court fight begun by Representative Arthur W. Mitchell (D., Ill.), a negro, after he had been compelled to move from a Pullman car to a "Jim Crow" car while travelling between Memphis, Tenn., and Hot Springs, Ark.

Mitchell, holder of a first class ticket, was denied Pullman accommodations on the Chicago, Rock Island and Pacific railroad because of an Arkansas law which required segregation of white and colored passengers. He challenged application of this statute to persons moving in interstate commerce and demanded equal accommodations for the two races.

He lost the first round when the interstate commerce commission upheld the action of the carrier, ruling that there is not sufficient first class traffic among colored passengers to justify the costly changes or additions which railroads would have to make to meet Mitchell's demands.

Lower courts upheld the ICC and Mitchell carried his fight to the highest tribunal. Its opinion, written by Chief Justice Charles Evans Hughes, was unanimous, with Justice Hugo Black and Justice Stanley Reed, who come from Alabama and Kentucky, respectively, participating.

"Colored passengers who buy first class tickets must be furnished with accommodations equal in convenience and comforts to those afforded the first class white passengers," the opinion held.

It said that the comparative volume of traffic "cannot justify the denial of a fundamental right of equality of treatment, a right specifically safeguarded by the provisions of the interstate commerce act."

"... There is no room for administrative or expert judgment with respect to practical difficulties," the court ruled. "It is enough that the discrimination shown was palpably unjust and forbidden by the act."

The steps to be taken by the carriers in meeting the problem probably will be influenced by orders from the ICC to which the case was immediately remanded. Observers pointed out that the decision does not compel the railroads to seat white and colored passengers together in Pullman cars or in diners. It was recalled that Commissioner Joseph B. Eastman, who dissented from the ICC decision on Mitchell's suit, suggested that space in Pullmans be set aside for negroes and means provided by which they could get meals from dining cars.

J. Stanley Wayne, ICC attorney, in defending the agency's stand before the high court, suggested that partitioning of Pullmans and diners might be the answer to the problem. The alternative, he said, would be provision of separate first class accommodations or abolition of the principle of segregation.

Other experts last night said the dining issue probably could be compromised by setting aside different hours during which travellers of the two races might be served.

St. Petersburg, Fla. Independent
April 16, 1941

Southern States To Defend Their Jim Crow Laws

Montgomery, Ala., April 16—(AP)—Ten southern states will defend their Jim Crow laws in an inter

venor's brief before the U. S. supreme court in a case affecting the race segregation laws of Arkansas.

Attorney General Thomas S. Lawson of Alabama reported today the brief would be filed by next Monday before the court in the names of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Tennessee, Texas, Virginia and Kentucky.

Greenville, Miss.
Democrat-Times
April 16, 1941

SOUTH TO DEFEND ITS JIM CROW LAWS

Ten States To File Brief Before U. S. Supreme Court Before Monday

MONTGOMERY, Ala., April 16 (AP)—Ten Southern states will defend their Jim Crow laws in an intervenor's brief before the U. S. supreme court in a case affecting the race segregation laws of Arkansas.

Attorney General Thomas S. Lawson of Albania reported today the brief would be filed by next Monday before the court in the names of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Tennessee, Texas, Virginia and Kentucky.

Completed Yesterday

The brief was completed at a conference here yesterday among legal representatives from eight of the states.

Lawson, a prosecutor in the Scottsboro rape cases, proposed the Southern states enter the case brought by Arthur W. Mitchell, Negro congressman from Illinois, who claimed he was required to give up sleeping car accommodations as it entered Arkansas.

Laws termed the case a threat to the South's segregation laws.

Amsterdam News
New York, N. Y.

On Southern Jim Crow

Ever so often a letter comes to our attention which we feel merits special notice because of its point of view. Such a letter is one directed to the editor of the New York Sun by Percival Sills of Corona, Long Island. MAY 10 1941

I enjoyed reading your editorial article "A Problem for the Court." Still you did not define the term Jim Crowism as applied to Negroes in intra- and interstate travel in the Southern States. Perhaps such a definition should be given.

In theory, Jim Crowism means separate but equal accommodation for the same fare paid. In practice, however, it turns out to be something entirely different. True, the Negro is charged the full first-class fare, but he is then relegated to an inferior coach, often located in close proximity to the engine, and is systematically denied all the services to which white passengers would be entitled as a matter of course.

Besides, he is humiliated in many ways while a passenger, and is not immune from insults from other (white) passengers who may be so minded.

Jim Crowism, then, as practiced by the Southern States, regardless of its high-sounding name, is nothing less than a species of theft and injustice long perpetrated against the Negro because he is powerless to resist and because also there is at present no agency of government interested in seeing that even the weakest element of the population receive fair play against organized "legal" tyranny. To fair-minded persons, however, Jim Crow laws are a flagrant violation of the rights of the Negro as an individual and a citizen. MAY 10 1941

Today there is a great clamor in the land for the safeguarding of the rights of minorities abroad. Hitler's Germany is roundly, and justly, condemned for practicing various discriminations against Jews. Some of the most vociferous objectors are Southern spokesmen who occupy high positions in the government. Yet equally cruel discriminations (and Jim Crowism is foremost of these) are practiced extensively against the Negro here and it is scarcely noticed. When, as in the Mitchell case, it is brought to the attention of the public, in this instance the United States Supreme Court, ten Southern States saw fit to join hands in an attempt to circumvent a possible unfavorable decision that would serve to outlaw Jim Crowism in interstate travel.

Both of your conclusions are right: "A solution of the problem of racial discrimination cannot be forever postponed" and "It will never be solved until it is solved right."

Amsterdam News
New York, N. Y.

Watchtower

By ROY WILKINS

MAY 10 1941

Now that the United States supreme court has spoken out once more on discrimination in railroad transportation in the South, it is to be hoped that the Interstate Commerce Commission, which knows all about this discrimination and which, like the supreme court, has ruled on it several times before, will make the railroads obey.

Roy Wilkins

In the great jubilation over the unanimous opinion in the Mitchell case, several items were forgotten and many extravagant statements made. One item is that the highest court in the land in the Mitchell case merely repeated, with emphasis to its opinion in the case of MaCabe vs. Atchison, Topeka and Santa Fe Railroad, decided 27 years ago in 1914. It said then, as it said on April 28, 1941, that equal accommodations must be furnished and that the right to such accommodations was a personal one and did not depend on the volume of demand.

Another item is that the Interstate Commerce Commission ruled on exactly the same kind of case in Edwards vs. Nashville, C. and St. Louis Railway some years ago. They decided, just as the supreme court decided April 28, that if first class accommodations are furnished for white passengers, they must be furnished for Negroes. MAY 10 1941

Thus we see that the highest body handling railroad matters, the ICC, and the highest court in the land have both said this same thing before. All along, legally, Negroes have been entitled to first class accommodations. Why haven't they received them? Why was it that barely four years after the McCabe case a Negro captain in our World War army, travelling on government business, was dragged out of a Pullman car? Why was it that the United States government did nothing about this incident?

Why was it that in 1926, twelve years after the McCabe case, Mrs. Blanche Brookins, a colored woman of Brooklyn, N. Y., was dragged from a Pullman berth in Palatka, Fla. by a mob (led by police officers) and lodged in jail in $500 bail? (Mrs. Brookins, unlike the Army captain, did something about it; she got the aid of the NAACP which put up her bond and helped her win $2,750 in damages from the railroad).

The answer to these questions is that the South ignored the opinions and went right on treating Negroes as it pleased. First to give in just a wee bit were the eastern and central southern states. By devious ways a few Negroes began to get Pullman accommodations. Then more and more, but the practice never became free and easy as it should be. However, west of the Mississippi (and, of course, in the state of Mississippi) and south of St. Louis, the three states of Arkansas, Oklahoma and Texas held out stubbornly. It was in Texas that Dr. Charlotte Hawkins Brown, returning from a convention of educators in Mexico City, was told she would have to put on a maid's apron and cap if she wanted to stay in the Pullman car with her white fellow educators. It was in Arkansas that Congressman Mitchell was put in a coach when he held a ticket calling for Pullman space. MAY 10 1941

In Oklahoma there is a cute trick of selling colored people Pullman space (if they are going north) and of asking them to come down and get on the sleeper early and not be seen by anyone until they get across "the line" the next morning.

One advantage of the Mitchell case is that it was brought by a prominent Negro citizen. It got more attention, more publicity and may have more effect on white public opinion. McCabe did the same thing Congressman Mitchell did—and 27 years ahead of Mitchell—but who ever heard of McCabe?

Another advantage of the Mitchell case is that it comes at a time when our country is ranting about democracy and is racing to go to war against Hitlerism. The Jim Crow railroad arrangements are a pure Hitler device, that is, a device of a totalitarian ruling class to control, humiliate, and hold down, a section of the population. MAY 10 1941

The Mitchell victory exposes American hypocrisy at a time when that exposure is most embarrassing. It may move the race up a few notches, something the previous ICC and supreme court decisions failed to do.

It must be remembered, however, that the opinion does not touch the separate Jim Crow car as such. Mr. Mitchell was not suing because the Negro coach was inferior to the white coach; nor was he suing to abolish the separate coach as an institution. He was suing because he had a Pullman ticket and the railroad refused him Pullman accommodations. There still remains the task of blasting away at Jim Crow as an institution.

The Congressman's statement that he thinks this is the greatest stroke against segregation in his lifetime is, of course, so much baloney. It is typical of him, however, and suggests that throughout his life he has been living in a vacuum.

ILLINOIS

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ct Fails To Stop row Car

MAY 2 1941

By ALBERT ANDERSON

, D. C.—(ANP)—Inferior railroad accommodations to Ne- nd must stop. This significant decision was handed down hited States supreme court when it held that Representative Arthur W. Mitchell of Chicago had been unjustly discriminated against when he was ejected from a Pullman while traveling from Chicago to Hot Springs, Ark., in MAY 2 1941

Chief Justice Charles Evans Hughes, who delivered the opinion from which there was no dissent, set aside the ruling against Mr. Mitchell rendered by the Interstate Commerce Commission and ignored a brief filed by ten attorneys-general of southern states who feared that a decision favorable to the congressman would break down the whole system of race separation which governs Dixie.

The decision says that Negro passengers traveling from one state to another are entitled to the same accommodations as white people receive. APR 25 1941

Referring to the removal of Mr. Mitchell from the Pullman and his being forced to complete his journey in a jim crow car, Justice Hughes said

"This was manifestly racial discrimination during an interstate journey and admittedly this discrimination was based solely on the passenger being a Negro. The question is not whether discrimination is forbidden by the Interstate Commerce act but instead is a question of the equality of treatment.

"Denial of accommodations solely on the grounds of race is an invasion of fundamental individual right which is guaranteed against state action by the 14th amendment in view of the nature of the right and of our conditional policy. It cannot be maintained that discrimination in this was not unjust." MAY 2 1941

Arguments by Rep. Mitchell and his counsel, Attorney Richard Westbrooks of Chicago, were heard by the supreme court on Mach 13. He told how he had been denied Pullman accommodations and forced ot travel second class in a jim crow car. Both the ICC and the federal district court for northern Illinois dismissed his case, resulting in an appeal to the high court. MAY 2 1941

J. Stanley Payne, ICC assistant chief counsel, and Wallace T. Hughes, attorney for the railroads involved, the Chicago, Rock Island and Pacific, attempted to defend their stand arguing that the demand by Negroes in Arkansas for Pullman facilities was "virtually non-existent."

APR 25 1941

Solicitor General Francis Biddle filed a brief in support of Mr. Mitchell contending that the Arkansas separate coach law under which the congressman was ejected did not apply to an interstate passenger. He pointed out also that the small number of Negroes asking for first class accommodations did not justify an occasional discrimination against them because of their race.

MAY 2 1941

In an attempt to prevent a decision involving the Arkansas separate coach la.., similar to thosein other southern states, the attorneys-general in their brief contended that this was "not a question involving the 14th amendment" and stated the separate coach law and the question of its constitutionality "are not properly before the court for consideration and determination."

APR 25 1941

"Since this ca[illegible] be disposed of without either a tentative decision on the construction of the statute and since these questions touch a sensitive area of social policy, this court, exercising a wise discretion, and because of scrupulous regard for the rightful independence of the state governments in the reasonable exercise of their police powers in dealing with this highly important matter should restrain its authority and stay its hand," the brief set forth.

Tribune
Philadelphia, Pa.

Supreme Court Decision In Mitchell Case Empty Gesture; Shuns Jim Crow

MAY 1 - 1941

THE SUPREME COURT decision in the case brought by Congressman Mitchell is only a partial victory for the millions of colored Americans who endure the agonies of hell in jim crow cars.

Chief Justice Hughes took particular pains to point out that segregation was not involved; that the decision in no way affected the separate car laws in the ten southern states which force colored people to ride in jim crow cars.

The Supreme Court simply held that Congressman Mitchell should have been permitted to ride in a Pullman car (because he held a Pullman ticket). It simply sustains the position that colored riders must be given "equal" accommodation on railroad trains. That position is so old that it has whiskers. The Inter-state Commerce Commission and the majority of courts have always held that the accommodations for colored citizens must be equal even if separate. But the sad fact is, THEY NEVER ARE EQUAL.

MAY 1 - 1941

The Southern railroads advertise in their booklets that certain trains are air-conditioned, except colored coaches. White patrons ride in cars with reclining seats, while colored passengers use the old-fashioned seats.

White passengers can use the dining car any time they please; colored passengers, except in rare instances, are prevented from eating. The conductor and his helpers use the already crowded half-coach that is inferior in every particular to the ones occupied by white passengers.

The point at issue is simply this, that as it works out in practice there is no such thing as "separate but equal" accommodations for colored people. It does not work anywhere it has been tried. It always reduces itself to inferior accommodations for colored citizens. The separate school laws provide for separate but equal schools, but any fool knows that the colored schools always get inferior equipment and less money. Even colored teachers are paid less salary.

MAY 1 - 1941

Chief Justice Hughes and the Supreme Court missed an excellent opportunity to knock the hellish Jim Crow laws of the South into a cocked hat. That the decision is an empty gesture which will mean nothing to the majority of colored citizens will be proved in the immediate future. It is a step in the right direction, but it is too short to be of any great value. It will change very little the horrid separate coach laws of the ten Southern States.

Pittsburgh Courier
Pittsburgh, Pa.

Decision Far-Reachi Mitchell Tells Co

MAY 3 - 1941

Contacted by long-distance telephone for a statement following the favorable decision handed down Monday by the U. S. Supreme Court, Congressman Arthur W. Mitchell made the following statement from his Chicago office. Said Mr. Mitchell: MAY 3 - 1941

"I consider the decision of the U. S. Supreme Court to be far-reaching, especially in view of the fact that ten southern states requested that the court refrain from passing on it.

"This request, I regard as an attempt to intimidate the Highest tribunal in the land, and shows the utter disregard which the Southern States have for the rights of Negroes.

"Significant, however, is the fact that North Carolina, South Carolina and Oklahoma did not sign the br[illegible] MAY 3 - 1941

"I feel that this is the first real progress made during my lifetime in breaking down the vicious system of segregation which has enveloped Negroes in the South, and I am sure that the Supreme Court decision will have far-reaching results.

Attorney Westbrooks and myself felt we had an air-tight case, and I have spent over $7,000 fighting the case through the courts of the land. I won the case without ballyhoo. . . without outside assistance, because I wanted to show that it could be done."

Pittsburgh Courier
Pittsburgh, Pa.

Present Type Of Jim-Crow Coaches Doomed

MAY 3 - 1941

First Class Accommodations By Deci

MAY 3 - 1941

WASHINGTON, D. C., May 1—In an unanimous decision which clears the way for a frontal attack on the jim-crow laws and customs of United States Supreme Court ruled here Monday that Negro railroad passengers must be given equal Pullman, dining car, observation and pa modations when traveling between the States.

MAY 3 - 1941

Delivering its decision exactly four years and seven davs from the early April morning when Congressman Arthur W. Mitchell was ejecte man car on the Chicago, Rock Island and Pacific Railroad on a threat of arrest, the nation's highest tribunal struck a significant blow at the attempts of Southern States to abridge Federal laws with their own prejudiced customs.

The long-awaited decision, delivered by Chief Justice Charles Evans Hughes, did not outlaw the jim-crow cars now maintained by the railroad companies for Negroes in Southern Intra-State traffic, however. This omission, though, does not indicate that the court has retracted from its recent liberal interpretations of the rights of Negroes as citizens. The tribunal merely ruled on Representative Mitchell's complaint, and this complaint did not encompass the Intra-State jim-crow laws.

***EDITOR'S NOTE: There are normally nine members of the court but no successor has been appointed to succeed Associate Justice McReynolds, now retired.*

MAY 3 - 1941

Chief Justice Hughes's decision, however, did open the door for a future attack, by citing a previous Supreme Court ruling which held:

"The principle that must govern, is that carriers must serve equally well all passengers, whether white or colored, paying the same fare. Failure to do this is discrimination and subjects the passenger to 'undue and unreasonable prejudice and disadvantage.'"

In upholding Congressman Mitchell's complaint, the highest court roundly rebuked the Interstate Commerce Commission for dismissing the Congressman's original suit. This dismissal, from which five Commission members dissented, was later upheld by a Federal District Court in Illinois.

MAY 3 - 1941

Accusing the Commission of violating the very act by which it operates and of seeking to place the customs of the South above previous rulings by the Commission itself, the decision stated:

"The undisputed facts showed conclusively that, having paid a first-class fare for the entire journey from Chicago to Hot Springs, and having offered to pay the proper charge for a seat which was available in the Pullman car for the trip from Memphis to Hot Springs, he (Mitchell) was compelled, in accordance with custom, to leave that car and to ride in a second-class car and was thus denied the standard conveniences and privileges afforded to first-class passengers.

CITES GAINES CASE

"The question whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation, but one of equality of treatment. The denial to appellant of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the Fourteenth Amendment."

In support of this ruling, the court cited its own Lloyd Gaines decision of Missouri in which equal facilities in education were ordered for all citizens in state schools of higher learning.

MAY 3 - 1941

In refusing to rule on the question of segregation, the court threw out the briefs filed recently by the Attorneys General of ten southern states in which they sought to defend the Jim-Crow transportation laws of their respective states.

BAR DISCRIMINATION BECAUSE OF NUMBERS

The decision held firmly, however that these Jim-Crow laws could not apply to interstate traffic. Citing the memorandum of Solicitor General Francis H. Biddle as a party to Mitchell's suit before the Supreme Court, the decision stated:

"The government concludes that the Commission erroneously supposed that the Arkansas Separate Coach law applied to an interstate passenger and erroneously determined that the small number of colored passengers asking for first-class accommodations justified an occasional discrimination against them because of their race."

On the question of the "small number of colored passengers," the court ruled:

MAY 3 - 1941

"The comparatively small volume of traffic cannot justify the denial of a fundamental right of equality-treatment, a right specifically safeguarded by the provisions of the Interstate Commerce Act.

It is the individual who is entitled to the equal protection of the laws—not merely a group of individuals, or a body of persons according to their numbers."

DECISION REVERSED

The final ruling decreed:

"On the facts here presented there is no room, as the government properly says, for administrative or expert judgement with respect to practical difficulties. It is enough that the discrimination shown was palpably unjust and forbidden by the act.

MAY 3 - 1941

"The decree of the District Court is reversed and the cause is remanded with directions to set aside the order of the commission and to remand the case to the Commission for further proceedings in conformity with this opinion."

Law of the South

Because the law of the nation has been one thing and the law of the South another, Negro travelers have been subjected to intolerable conditions and abuses on interstate bus, railroad and steamship lines. The railroads and other lines have failed to meet the requirements for separate but equal accommodations because it entails too much expense and members of the race have had to pay the penalty.

This new interpretation of the Interstate Commerce Act and a re-defining of the power of the Interstate Commerce Commission by the Supreme arbiter of our land will set the model for a gradual elimination of the non-sensical and abominable practices of segregation.

The Supreme Court decision does not wipe off the segregated laws of the Southern states but it completely vitiates the inhuman practice of providing "cow" coaches for race travelers.

Jim crow coaches in the South are doomed because transportation lines cannot afford the added expense of furnishing seperate first-class cars for members of the race. This is the fore-runner for the wiping out of all jim crow and segregated laws that violates the democratic principles of our constitution.

FOR OPINION OF
U. S. SUPREME COURT
IN MITCHELL CASE . . .
SEE PAGE 14

The Supreme Court Comes Clean

Savannah Journal - Savannah Ga.

IN UNANIMOUSLY upholding the contention of Congressman Arthur W. Mitchell for equal accommodations for Negroes on inter-state trains, the Supreme Court of the United States again gave hope to Colored Americans that they have a refuge from race prejudice. Many persons will no doubt discount the decision because it did not consider segregation on trains. That was not the question before the Court. Most Southern States have "separate but equal accommodation" laws. To enforce that to the letter will eventually break the separate coach law. The Supreme Court holds that the argument that few Negroes travel first class is no good. "It is the INDIVIDUAL who is entitled to the equal protection of the laws—not merely a group of individuals, or a body of persons according to their numbers."

MAY 3 1941

So it can be seen that if Negroes of wealth and means would insist on equal accommodations and in every individual case take the offending railroad to Court the railroads would soon find a way to get around the separate coach laws.

Some years ago the Supreme Court said practically the same thing as did this Court. In the case of three Colored men wanting to go from Oklahoma to Washington, D. C., they were refused Pullman tickets or use of the dining room. They sued for damages. The Supreme Court held that if only one Negro wanted a sleeper, if only one Negro wanted to eat in a diner, it is up to the railroads to furnish these things. These men received no punitive damages because they had not been put off the train or otherwise physically injured. They merely accepted the refusal of the agent to sell them tickets. But the Court had given a great hint to Negroes that they could and should be given equal accommodations. If some of our rich and wealthy Negroes would try these decisions out to their logical conclusions there is no doubt that "jim crow" on trains would fade away.

MAY 3 1941

Another silver lining in the race prejudice cloud that follows us day and night is the fact that Justice Hugo Black of Alabama and Stanley Reed of Kentucky joined the other Justices in this momentious decision. Perhaps so or maybe not the hard fight on Justice Black's appointment has made him over zealous in showing he is not Anti-Negro or Ku Kluxer.

Justice Reeds support of the decision is encouraging to the Negroes of Kentucky who were disgusted over Kentucky's Attorney General joining the other rank Southern States in fighting this issue.

Daily World
Atlanta, Georgia

Discrimination Ruling Won't Bother Southern

MAY 10 1941

WASHINGTON, May 2— The Southern Railway, operating entirely in the South, will not be affected by the Supreme court decision in the Mitchell case prohibiting discrimination against Negroes, a Southern official said here today.

The decision, announced by Chief Justice Hughes, held that "Colored persons who buy first class tickets must be furnished with accommodations equal in comforts and conveniences to those afforded to first-class white passengers."

"We sell first-class tickets to Negroes the same as to white persons and furnish them equal accommodations," the Southern official said. MAY 10 1941 "They ride in the same Pullman cars as white passengers. If the car is crowded we often give a Negro the lower berth in a compartment. Thus he has an entire compartment for the price of a lower berth ticket."

Asked about permitting Negroes to eat in dining cars, the official said: "We do that too. Negro passengers wishing to eat in the diner are served either before or after the white passengers eat."

The official said that every day Southern trains arriving at and leaving from Washington carry Negroes as first class passengers.

Advertiser
Montgomery, Ala.

Southern States Held Victors In Jim Crow Case

MAY 7 - 1941

Lawson Says Supreme Court Ruling Upheld Their Contention

MAY 7 - 1941

Recent decision of the U. S. Supreme Court in the Arkansas railroad segregation case was a victory, and not a defeat as heralded in some quarters, for the South, Atty. Gen. T. S. Lawson said Tuesday on return from Washington.

"The decision of the Supreme Court as we construe it, is directly in accord with the position the attorneys general of ten Southern States took in a brief filed with the court," Mr. Lawson said. "The court held that the question before it was not one of segregation but of equal ascommodations. This is in accord with, and not in conflict with, the statutory provisions of this State."

MAY 7 1941

The Supreme Court held that Negro passengers in interstate travel are entitled to accommodations as good as those furnished white passengers. There was nothing new in this. The Supreme Court simply held that a negro passenger was entitled to what Alabama law had said he was entitled to for many years. In some quarters, ignorant of the Alabama law and of details involved in the decision, the Supreme Court ruling was hailed as an epochal event, striking down or weakening the South's "Jim Crow" laws generally. As a matter of fact, it merely reiterated their provisions."

Alabama law for years has provided that railroads "shall provide equal but separate accommodations for the white and colored races by providing two or more passenger cars for each passenger train or by dividing the passenger cars by partitions so as to secure separate accommodations."

MAY 7 1941

When the Supreme Court ruled last week that negro passengers were entitled to equal accommodations it thus merely echoed the provision of Alabama's law. It did not say that these equal accommodations must be provided by destroying segregation and mixing the races. It did not pass on the segregation laws at all. Although constitutionality of the Arkansas law was raised by Arthur Mitchell, negro Congressman from Illinois, who brought the suit, the Supreme Court agreed with brief filed on behalf of Southern States, contending that the segregation law was not properly at issue.

MAY 7 - 1941

Mitchell had challenged the validity of the Arkansas segregation law, after he was forced to leave a Pullman in that State. Discerning a threat to segregation laws of the South generally, Atty. Gen. Lawson called a conference of Southern attorneys general which resulted in ten Southern States filing a joint brief of intervention.

MAY 7 - 1941

In brief filed with the Supreme Court, the Southern States contended that the "welfare, comfort, peace and safety" of both races in the South was promoted by segregation.

Atty. Gen. Lawson and William Loeb, assistant attorney-general, went to Washington to handle submission of the State's case on appeal of Joe Vernon, Birmingham negro under sentence for murder. This case was argued and submitted before the Supreme Court Monday. Vernon claimed that the 14th Amendment was violated by exclusion of negroes from juries that indicted and tried him, also that he was subjected to "third degree" by Birmingham police.

Kansas City Call
Kansas City, Mo.

"Good Enough" Is Not Enough

MAY 9 - 1941

The pattern of democracy is growing clearer with each decision by the supreme court. In its judgment arising out of the failure of the Interstate Commerce Commission to enforce the law respecting interstate passenger travel, the court states definitely: "It is the individual who is entitled to the equal protection of the laws—not merely a group of individuals or a body of persons." That statement deals the death blow to custom which has held that it is "too costly" to provide equal schooling, decent housing, and sometimes even the usual sanitation and fire and police protection to Negroes because relatively they are few in number.

The high court makes it equally clear that Negroes are not required to give advance notice that they want a public service, any more than are other citizens. It says: "So long as white passengers can secure first-class reservations on the day of travel and colored passengers cannot, the latter are subjected to inequality and discrimination because of their race." A Solomon sitting in judgment is Supreme Justice Hughes when he makes that statement!

Nor can a public official follow the state law and disregard federal law. The right to equal treatment on common carriers is specifically safeguarded by the provisions of the Interstate Commerce act. It reads: "It shall be unlawful for any common carrier . . . to subject any particular person . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." With that the law, the Interstate Commerce Commission, a federal agency whose duties are indicated by its name,

was wrong in holding that it was duty bound to uphold state laws, which were passed expressly to put colored passengers at a disadvantage. MAY 9 - 1941

In this decision, one of the authorities cited in support of the judgment rendered was the same court's opinion in the Gaines case, the Missouri effort to secure equal law education for Negroes. Under the Stark administration Missouri defended its failure to provide facilities for Negroes equal in all respects to those for whites by saying that there was "no demand." Negroes take the position that the state whenever it sets up a public service for anybody, is duty bound to set up the same service for everybody. The supreme court says they are right: "Nor is it determinative that it does not appear that appellant intends to make a similar railroad journey. **He is an American citizen** free to travel, and he is entitled to go by this particular route whenever he chooses to take it and in that event have facilities for his journey without discrimination against him, which the Interstate Commerce Act forbids."

With "readiness to serve" the judgment of the nation's highest court, every division of government must provide "equality of treatment." If it wishes to segregate Negro citizens, it cannot make the increased cost for the dual service an excuse for curtailing its service to them. Missouri must stand ready to educate Negroes in every branch it offers whites. To be in keeping with the principle set up in this case it must provide facilities simultaneously where they are separate. It is a lawbreaker when it waits as it is now doing to prepare the facilities. We repeat—the pattern of democracy becomes clearer as the intent of the law is rescued from the demoralizing customs which certain states have carried over from chattel slavery. MAY 9 - 1941

The Plaindealer
Kansas City, Kan.

Mitchell's Ruling Failed In Virginia

MAY 23 1941

From the Baltimore Afro-American

NEWARK, N. J.—Dixie's first reported reaction to the recent Supreme Court ruling regarding equality in railroad facilities, came in the form of a violent and brutal attack upon Mrs. Bernice Barnes, 22-year-old housewife of 109 Barclay Street, who charges that she was forcibly ejected by two policemen and a conductor from the car in which she was riding to a car ahead when the Atlantic Coastline R. R., Florida Special stopped in Richmond, Virginia, Sunday morning.

According to the story of the young matron, she had boarded the train, which is a through special from New York, at the Newark Pennsylvania Station at 11:15 p. m.

While the train made a ten-minute stop in Washington, around 2:30 o'clock the following morning, a conductor went through the cars ordering all colored passengers to move up into the car just ahead of the one in which Mrs. Barnes was riding She stated that this car had been used as a smoker all the way from Newark and was just an ordinary coach.

Instead of moving, she stated, she remained in her seat. MAY 23 1941

A conductor told her that she would have to move into the car ahead, she continued. She replied that she had paid the same fare as any other passenger and would not move because she had to ride all night and the car offered her no accommodations.

The conductor sent a porter, she stated, just as the train pulled out, who informed her that she had to move in the car and at the same time reached up in the compartment for her bags. She followed him to the alleged jim-crow car. retrieved her bags, and returned to her former seat, she said.

A little later, she declared the conductor returned and told her again that she would have to move, at the same time snatching her hat bag and other luggage in an attempt to carry it into the forward car. She held on to her bags, however, she declared, and the conductor left.

She remained in the car until daybreak, she went on, when, she was awakened by the conductor who allegedly told her that he "had been patient" and had allowed her to ride in the restricted car all night which was tn first time in his thirty-nine years of service he had done so.

He warned her, she said, that if she failed to move, she would be moved by force. A few minutes later when the train arrived in Richmond, she charges, he came into the car with two uniformed policemen and said: "There she is."

The officers then asked her, she said, "what's the trouble?" and she explained her reasons for remaining in the car. She was then seized by the two officers, one of whom allegedly said: "You dirty n———we'll get you in there if we have to throw you in there," and tore her loose from the seat, spraining her left wrist While being dragged into the otner car, she was [illegible] and kicked, according to her story.

She stated that she pleaded with the officers to put her off the train and return her money. They allegedly refused and insisted that she was going to ride in the car. She also suffered bruises of the leg and abrasions about the body, her stockings were torn and her clothing ruffled.

Mrs. Barnes received medical treatment when she arrived in Tarboro, N. C., which was her destination. She later went under the care of Dr. Walter T. Darden after returning to this city.

She is the mother of one daughter, Ethel, for whom she was going at the time of the trip. She is employed at a dress factory on Shipman Street and is a member of the International Garment Workers' Union.

Mrs. Sadie Reisch, head of the local, declared that the organization would throw every resource behind the incident and that action would be taken against the railroad.

To add to Mrs. Barnes' woes, when she arrived at the Newark Pennsylvania station on her return home, her little daughter, Ethel, 4, fell through the opening between the train and the platform. MAY 23 1941

The child's screams attracted hundreds of persons on the platform as the danger of the train's moving off seemed emminent. A spectator, however, ran forward to warn the engineer.

The girl was rescued from her perilous position and was also treated at the office of Dr. Darden, requiring three stitches to close a wound.

Journal and Guide
Norfolk, Virginia

ICC Awaits Record of Mitchell Case Decision

MAY 24 19

WASHINGTON, D. C. (ANP) —The Interstate Commerce Commission, through its secretary, W P. Bartel, told the Associated Negro Press that no information had been received by the department with reference to the findings of the supreme court in its decision favoring Congressman Arthur Mitchell's plea for a reversal of the decision of that body denying him rights due a traveler on southern roads.

"The commission has no record of any order at present" said Mr. Bartel. "It first has to go to the district court, which is instructed according to the decision of the supreme court, to reverse the former decision, then it comes back through the Interstate Commerce Commission.

"When this is done, the commission will comply with the ruling of the Court without delay. There should be only a short time before this ruling is made and comes to us. Then we will take the steps as directed by the court.

"To my knowledge no date has been set as an ultimatum for the railroads to comply with and our legal division, through Stanley Payne, the assistant counsel in charge of that particular case, has had no word as yet. But we will follow through on the procedure when it reaches us just as the court has ordered. Although no date has been set as yet, the Interstate Commerce commission don't delay its action."

Argus
St. Louis, Missouri

MITCHELL DECISION BRINGS COMMENT

Following the decision of the United States Supreme Court in the Mitchell case, much comment has been made by newspapers as well as individuals. For the most part words of commendation and praise have been heaped upon Congressman Arthur W. Mitchell because of his courageous and relentless fight for equal accommodations on the railroads for members of his race. An interesting comment, however, is found in a telegram to the Philadelphia Tribune from Walter White, executive secretary of the National Association for the Advancement of Colored People. Mr. White made little of the decision, stating that he saw no reason for jubilation over the decision because it did not go far enough. The telegram read in part as follows:

"Supreme Court decision in Mitchell case gratifying psychologically but it goes no further than one handed down in 1914, also by Chief Justice Hughes, in McCable vs. Atchinson, Topeka and Sante Fe Railway Company. I distinctly feel that the decision does not go far enough. The time for real jubilation will be when the Court unequivocally strikes down all methods of segregation on account of race, creed or color."

MAY 9 - 1941

We regret very much to note the comment made by Mr. White in this matter because he is the executive secretary of the N.A.A.C.P. and the moving spirit in that organization. But regardless of what Mr. White thinks of the decision of the United States Supreme Court upholding the right of Mr. Mitchell to ride in a Pullman car in the state of Arkansas as an interstate passenger the decision will have a far-reaching effect upon discrimination on railroads against colored people, and the winning of this case will go down in history as a great piece of public service to his race on the part of Mr. Mitchell.

It will be remembered that of the many decisions handed down by the United States Supreme Court in cases affecting the civil and political rights of Negroes, none has cured every phase of the ills from which we suffer. Even if we went back to the "grandfather clause" that was knocked out by the United States Supreme Court, we would still be compelled to acknowledge that disfranchisement is going on in the South just the same. When the Gaines case was won it was heralded as a great victory for the N.A.A.C.P. but it failed to open the doors of state universities to Negroes. Most assuredly it would have been in bad taste for Mr. Mitchell to have commented at that time that the Gaines case meant little or nothing for the race. All of these decisions have been steps in the right direction and have set up new line posts along the way of our fight toward gaining our full rights as citizens.

MAY 9 - 1941

If today or tomorrow Congress should pass an anti-lynching bill and the same should be signed by the President of the United States, there would be plenty of room to say that such a bill would not stop lynching. We mention these things with the hope that our leaders will, in evaluating the other fellow, lay aside personal likes and dislikes for there is too much of that sort of thing for the good of the race already prevalent among us.

In the course of human events, and we hope that the time is not far distant, someone or some organization will bring a case before the United States Supreme Court based upon racial discrimination, in all of its aspects, on account of color. A favorable decision in a case of this sort will go still further toward the elimination of such discrimination.

Chicago Bee
Chicago, Illinois

We Congratulate Mitchell

By WILLIAM PICKENS for ANP

MAY 1 1 1941

He has certainly represented his race well in the courts: he has stuck by this railway segregation case, or rather this DISCRIMINATION case, for three years, and now he has won it in the Supreme Court of the United States. His victory is a victory for all of us, even for the white Americans. He makes civilization better for black and white. There was really no way for the Supreme Court to decide otherwise, if the case were properly presented to them. Mitchell saw that it was properly presented. So many Negroes have been faint-hearted in similar cases, and have not even dared to try, to try to the last ditch.

The court, consistent with its precedents, has decided that all Americans are entitled to EQUAL ACCOMMODATIONS, in public services that are subject to federal laws. Interstate commerce (in cattle) and interstate travel, of humans, is subject to national law. If a Negro buys a Pullman ticket in Chicago, for New Orleans, there is only one way in which he can be excluded from the Pullman in which whites also ride, and that is the furnishing of a separate Pullman car for him. The excuse cannot be made that he is only ONE passenger; American citizens do not have to come in multiples to have their rights. Each citizen has his own rights, as perfectly as if he were 20 or 20,000. That is democratic civilization, and that is why Hitler thinks we are crazy.

MAY 1 1 1941

This puts the South up against it again; this time they did their best to beat Mitchell. They filed briefs against his case from all of the deep-south jim-crow states. But the Supreme Court has long ago sustained the right of a state to SEGREGATE, but denied the state the right to DISCRIMINATE. People can be separated, but must be treated with substantial equality. The railways can not simply put the Negro OUT of a Pullman; they must put him INTO another Pullman.

This decision is as basic and far reaching as was the Gaines Case, in the matter of educational equality-rights, in the case from Missouri.

MAY 1 1 1941

In El Paso, Texas, which is less than 20 miles from the New Mexico border, the railroads would make a colored passenger pay full Pullman fares to, say, Albuquerque or Los Angeles, and then refuse him the right to take his seat or berth until he had traveled the few miles from El Paso and actually entered New Mexico, which has not travel jim-crow laws. That meant, that when a Negro bought his sleeper ticket, and the train was not to leave until 11:30 or 12 midnight, the white passengers could get into their berths in El Paso at 9:30, when the car started in El Paso; but the Negro passenger would have to sit up until 11:30 or 12 midnight, when the train entered New Mexico.

A little less than two years ago, we told the ticket agent in El Paso that that practice was as much against law as it is against decency and commonsense. He shot back at me: "Well, you can't do anything about it. It's the law here. See, your congressman (speaking of Arthur Mitchell) has not been able to do anything about it." I remarked "But he will do something about it if he carries his case to the Supreme Court, which will support your segregation, but will not support your charging Negro passengers the same fares and giving them less for their money." At that time Mitchell's case had been lost in the lower courts. It was also turned down by the Interstate Commerce Commission. But the Supreme Court! Long may she wave! Thousands of thanks to the courage and intelligence of Arthur W. Mitchell. Well done, indeed!

Norfolk, Va. Pilot
April 30, 1941

T284

Pulling [illegible] Jim Crow's Feathers

The Supreme Court's decision that Negroes buying first-class transportation are entitled to Pullman accommodations and other first-class services equal to those furnished white passengers on railroad trains, does not affect the larger question of segregation but it deposits a tough problem on its doorstep. It confronts the railroads with the problem of reconciling the segregation demanded of them by the Southern States with the equal-accommodations required of them by the Federal government as custodian of people's irreducible constitutional rights.

Street car and bus companies in the South have found a practicable solution in providing the races with exactly equal accommodations in the same cars, subject only to a separation of the seats. In this process, Jim Crow has lost a few tail-feathers, without observable damage to interracial relations. Perhaps that is the direction in which the railroads will now seek an answer that will relieve them of the burden of providing separate first-class facilities in car-lots, for a colored demand that could be satisfied, in all ordinary circumstances, by less-than-car-lot accommodations.

Congressman Mitchell, of Chicago who precipitated the case which the Supreme Court has now decided, calls the decision a "step in the destruction of Mr. Jim Crow himself." As a long-perspective appraisal of jim-crowism in public transportation, that is probably correct. Jim Crow lost some of his tail-feathers when the South modified its segregation rule far enough to sanction biracial use of elevators, buses and street cars. Already, on many railroads in the South, the two races share the

ame day coaches, separated by a par-
ition instead of, as in the buses and
treet cars, by an invisible and movable
lividing line. It is not a long step from
his arrangement as to day coaches, to
similar arrangement in Pullmans and
leepers. The development will proba
ly be hastened by the fact that the
uper de luxe form of modern transpor-
ation—the transcontinental air trans-
ort plane—can solve the racial prob-
em in no other way that would not be
rohibitive.

What we have in the present Su-
reme Court decision is the definition
f law that fixes the individual's irre-
lucible rights—a necessary prelude to
he devising of arrangements to comply
vith what the law demands. It can be
lenied by nobody that until recent
ears the "equal accommodations" doc-
rine on which segregation has built
ts constitutional immunity, was gross-
y ignored. It is still grossly ignored in
uch matters as public schools and col-
eges. It is still only partly satisfied on
he public carriers. The import of the
resent decision is that equal accom-
nodations on railroads must be trans-
ated from theory into fact. It will not
e a simple thing to do. It may cost a
ot of money. But unless it is done, the
arriers will soon be confronted with
omething tougher—with the underly-
ng segregation issue itself

Chicago Bee
Chicago, Illinois

Mitchell vs. South

MAY 11 1941

THE Mitchell case has reached a successful and highly satisfactory conclusion. The highest court of the land has said that the denial to Congressman Arthur W. Mitchell "equality of accommodation" because of his race would be an invasion of his fundamental individual right which is guaranteed against state action by the Fourteenth Amendment."

The decision is no less magnitudinous in 1941 than the Dred Scott decision was momentous in 1857. The South appreciated this fact. That is why the states of Arkansas, Georgia, Kentucky, Tennessee, Florida, Mississippi and Virginia filed opposing briefs, which were ignored by the United States Supreme court, declaring that the issue involved "touches a sensitive area of social policy." That is why the entire South rose up in arms as a composite body when the Department of Justice attorneys asked the Supreme court to rule in the congressman's favor.

MAY 11 1941

The decision has shocked the South much more than the decision in the grandfather-clause case for the latter did not confer upon Negroes the right to vote. It only prevented the southern states from excluding white potential voters from the tests submitted to Negroes as a condition for voting. The several cases involving the right of Negroes to serve on juries went a long way but their effect is nullified by the challenges which give party litigants the right to discharge from the jury panels any person they do not like. The result is lily-white juries still hear 99 per cent of the jury cases in the South because white lawyers exercise peremptory challenges to circumvent the effect of the law. The litigant affected by such manipulations can not complain for the state satisfies the letter of the law by placing Negroes in the jury box The states can not guarantee their acceptance

But the decision in the Mitchell case gives every Negro traveling across states lines an unconditional right to equal accommodations. The effect of the decision will break down segregation in many instances by reason of the fact that it will be economic suicide to use an entire car for the accommodation of one colored person. Chief Justice Hughes so much as told the South this fact when the defendants alleged that only one Negro a year purchased a first class ticket. "What demand there may have been at ticket offices," countered the Chief Justice, "did not appear." He added, "It is the individual, we said, who is entitled to the equal protection of the laws—not merely a group of individuals or a body of persons."

Suffice it to say that the decision will be a source of pleasure for every colored traveler. Negroes should, therefore, take advantage of it lest it become nullified by default of the exercise of the rights declared.

The decision should be followed by a law in Congress making it punishable by fine and imprisonment to discriminate against persons on account of race or color who are traveling in interstate commerce. In addition to this Negroes should be represented on the Interstate Commerce Commission. This would be assurance that all persons traveling across state lines on common carrier would be given equal accommodations according to the letter and spirit of the decision. We see no just reason why the Commission, which controls the policies and acts of railroads throughout the country and whose personnel was adverse to equality of accommodation to all passengers that it held that the conductor acted legally when he ejected the nation's lawmaker from a first-class coach and placed him in a filthy one in the state of Arkansas in 1937 on account of his color, should not have a Negro member on it.

MAY 11 1941

There is one other feature of the Mitchell case which can not go without notice and that is the racial identity of his lawyer. Mitchell did not choose a white lawyer as is so often done by our professional people when they have a difficult case. He chose a distinguished lawyer of his own race—Richard E. Westbrooks—to lick the best legal minds the railroads could retain and the South could produce.

The Mitchell case will thus add another score in the long and hard fight of Negroes to enjoy the rights and privileges guaranteed to them by the Constitution.

Gastonia. N C. Gazette
April 28, 1941

Supreme Court Rules Negroes Due Accommodations Equal Those For White Persons In Interstate Trips

WASHINGTON, April 28.—(AP)—The Supreme Court held today that Negroes traveling from one state to another are entitled to railroad accommodations equal to those furnished white persons.

Chief Justice Hughes delivered the decision on a test case brought by Representative Arthur W. Mitchell (D-Ill), the only Negro member of Congress. No dissent was announced.

Mitchell contended that he had been "forcibly ejected" from a pullman in Arkansas, while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

"This," Hughes asserted, "was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro.

"The question whether this was a discrimination forbidden by the interstate commerce act is not a question of segregation but one of equality of treatment. The denial of appellant (Mitchell) of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against state action by the 14th amendment, and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust."

Gastonia N C Gazette
May 3, 1941

"JIM CROW" DECISION

(Greenville News)

The Supreme Court of the United States has upheld Arthur W. Mitchell, Negro Congressman from Illinois, in his contention that he suffered an unconstitutional discrimination by being ejected from a Pullman car in Arkansas while on an interstate journey.

In this decision the court, one judges from press summaries, takes a position harmonious with that in various other recent decisions—that the races must be given equal treatment in the matter of public accommodations or public services or treatment.

The court does not hold against segregation of races, whether in public educational institutions or common carriers; but it holds that where there is segregation, the accommodations must be of equal character; or in general that there must be no discrimination as to treatment on the ground of race.

30-1941

ILLINOIS

The Plaindealer
Kansas City, Kan.

Leaders Comment On Mitchell Supreme Court Decision

MAY 9 - 1941

NEW YORK.—(ANP)—Opinions varied as to the net effect of Chief Justice Charles Evans Hughes' decision in the case of Congressman Arthur W. Mitchell vs. Interstate Commerce Commission, handed down in the supreme court on Monday. Following is a ampling of the views expressed in various quarters.

Walter White, executive secretary, N. A. A. C. P.: "The N. A. A. C. P. is pleased that the United States Supreme Court has taken the position it has in the Mitchell jim-crow car case, however, the decision goes no further tha none handed down also by Chief Justice Hughes in 1914 in the case of McCabe vs. Atchison, Topeka and Sante Fe R. R. (235 US 151). Both decisions ignored the fundamental issue of segregation and provided means for substantial equality.

MAY 9 - 1941

"It is manifestly unsound economically to expect in this or any other generation equal dual systems of transportation, educaten or other accommodation in tax-supported institutions or public utilities. The time for real jubilation and for belief that democracy is being attained will come with the courts unequivocally strike down all methods and modes of segregation on account of race, creed or colored.".

Eugene Kinckle Jones, executive secretary, National Urban League: "The decision is a step in the direction of voiding jim-crow laws. I feel that we should be happy over this evidence of a just interpretation of our constitution by a liberal supreme court."

MAY 9 - 1941

Mrs. Mabel K. Staupers, executive secretary, National Association of Colored Graduate Nurses (letter to Mitchell): "Those of us who know the significance of your victory and how costly this victory must have been to you feel deeply grateful. For seven years I have done field work for the NACGN and very often had to travel in dirty jimcrow cars.

"Four fight was not a personal one; it was for all of us; and, as you have stated, this decision is a step in the destruction of jim-crow."

MAY 9 - 1941

Eardlie John, assistant corporation counsel, city of New York: "This decision is not unique for it states no new principle of law nor does it, as a matter of fact, outlaw the jim-crow car. As is said by Mr. Justice Hughes, 'the question whether this was a discrimination forbidden by the Interstate Commerce act is not a question of segregation but one of equality of treatment.' The court specifically says that it is not concerned with segregation. What it (the decision) does call for is simply substantial equality. As we know it, the jim-crow car will continue."

The Plaindealer
Kansas City, Kan.

VIEWS OF -- OTHERS

WE CONGRATULATE ARTHUR W. MITCHELL, CONGRESSMAN

By William Pickens for ANP

MAY 9 - 1941

He has certainly represented his race well in the courts: he has stuck by this railway segregation case, or rather this DISCRIMINATION case, for three years. and now he has won it in the Supreme Court of the United States. His victory is a victory for all of us, even for the white Americans. He makes civilization bet ter for black and white. There was really no way for the Supreme Court to decide otherwise, if the case were properly presented to them. Mitchell saw that it was properly presented. So many Negroes have been faint-hearted in similar cases, and have not even dared to try, to try to the last ditch.

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This puts the South up against it again: this time they did their best to beat Mitchell. They filed briefs against his case from all of the deep south jim crow states. But the Supreme Court has long ago sustained the right of a state to SEGREGATE, but denied the right to DISCRIMINATE. People can be separated, but must be treated with substantial equality. The railways cannot simply put the Negro OUT of a Pullman; they must put him INTO another Pullman.

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MAY 9 - 1941

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MAY 9 - 1941

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Christian Recorder
Philadelphia, Pa.

SOLID SOUTH TAKES STAND ON RACE SEGREGATION LAWS

Ten Sates Join in Unprecedented Appeal to the Supreme Court

By Edwin Camp

MAY 8 1941

ATLANTA, April 26—An appeal this week to the Supreme Court of the United States urging the tribunal not to decide a case involving racial segregation laws has focused the attention of thoughtful Southerners on what is probably the most important social movement the section has experienced since the days of Reconstruction.

The appeal itself is said to be a communication probably without precedent. It was drawn jointly by the Attorneys General of ten States, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas and Virginia. It was sent as an intervening amicus curiae brief and asked the court not to rule on the appeal of Arthur W. Mitchell, a Chicago Negro Representative in Congress. MAY 8 1941

Basis of Complaint

Representative Mitchell had been required to leave a Pullman car and enter a separate coach when a train on which he was traveling from Chicago to Hot Springs reached the Arkansas line.

The brief opposes the appeal on some grounds which may be termed technical, but emphasizes in its contentions the social aspects of segregation. Citing a decision in which the Supreme Court decided against Pullman car porters who had complained of a Texas statute as discriminatory, the brief quotes the language of Justice Frankfurter holding that the complaint "touches a sensitive area of social policy upon which the Federal courts ought not to enter unless no alternative to its adjudication is open."

The brief goes on to say that "such (segregation' statutes were enacted for the purpose of promoting the welfare, comfort, peace and safety of the people of both races, and adds: "We believe it is a matter of common knowledge, which this court judicially knows, that in those States which are parties to this brief, where large numbers of both races reside, such statutes do, in truth and in fact, promote the welfare, comfort, peace and safety of the people of both races." MAY 8 1941

Denial is made that the segregation laws have the intent of harassing or oppressing. It is said they are for the protection and benefit of both races, and the brief contends that Congress, not the courts, is the proper forum in which an appeal to abolish segregation should be made.

Other Laws Similar

Only the Arkanses statute is in question in the suit of Representative Mitchell, but the nine other States have similar laws, and a decision invalidating the Arkansas statute is regarded as certain to break down all State and municipal requirements of segregation in railway and street cars, theatres, hotels and restaurants and schools.

Only a week before the action of the Attorneys General, the educational leaders of fourteen Southern States met in Atlanta to consider he problem of equalizing the pay checks of Negro and white teachers in the public schools required by a recent Supreme Court decision in the Gaines case from Norfolk. In addition to the ten States acting in the Mitchell case, North Carolina, South Carolina, Oklahoma and Kentucky were represented here.

There is no disposition by the educators to resist the mandate of the Supreme Court. Its terms are definite and conclusive that States must maintain equal school facilities for Negro and white children and pay equal salaries without regard to color.

To meet the requirements of the law, Ralph Ramsey, secretary of the Georgia Education Association, figures an additional $75,000,000 a year would be required in the South for salaries and $325,000,000 for physical facilities.

Look to Congress

White leaders argue, with considerable statistical support, that the Southern States cannot undertake such a burden alone; that the low earning power of the section is already overtaxed, with the whites paying heavily for the education of the Negroes. They ask Congress to enact a bill now before the Senate to provide the necessary funds. MAY 8 1941

The more moderate Negro leaders are inclined to go along patiently with the whites in the effort to work out the problem, admitting that the financial difficulties are severe and that immeditate conformity by the States could only result in lowering the standards and the facilities of all education. The more aggressive Negroes insist on speedy action.

Somewhat in abeyance is the matter of supplying Southern Negroes with higher education facilities equal to those for whites. North Carolina, however, is going ahead with plans for a law college.

Throughout the section leading Negroes and whites are working together on the problems raised by the legal requirements of equality. They are working with a singleness of purpose and a tolerant understanding and sympathy which would have seemed impossible a decade ago.

MAY 8 1941

Wide Approval in Press

For example, The Charlotte (N. C.) News said recently: "Teh South has always spent $5 on every white pupil to $1 for the Negro. This is short sighted policy. * * *The only way segregaion can be just is for the Negro to have his portion measured out with the same spoon used for the white."

The Richmond Times-Dispatch asserted: "We must accept the inevitable gracefully and cooperate with our Negro fellow-citizens in working out an amicable solution."

And the other day, in Mississippi, appeared this editorial in The Jackson Daily News: "Present manner of distributing the common school fund is a lie and a fraud on its face. Further subterfuge or camouflage will be useless. The nation's tribunal of last resort has spoken. Whether you like the decision or not doesn't matter. It must be obeyed."

—New York Times.

Pittsburgh Courier
Pittsburgh, Pa.

Calls Mitchell's Victory Negative

MAY 10 1941

MONTGOMERY, Ala., May 8—(ANP)—The opinion of the white official South generally over the Supreme Court decision in the Congressman Mitchell jim crow railway case seems to be one of passing the buck to the railroads, while hugging themselves with joy, because their dear and traditional segregatoon laws remain untouched. Here in Montgomery, where attorneys general of 10 States were rallied to interpose a brief in the defense of the Interstate Commerce Commission against the Mitchell charges, the first public statement was issued. MAY 10 1941

Attorney General Lawson, who issued the call to other Southern States to rise and oppose liberalization of Southern customs, is hoping to be a candidate for governor of Alabama at the next election. His gesture may well be regarded, therefore, as a bid for attention from prejudice-loving whites in the State, in the hope they would look with favor upon his candidacy.

In a statement made by his assistant, Silas Coma Garrett III, the claim was made that "the Arkansas test jim crow case was a negative victory for the 10 Southern States which interceded."

"The decision is construed as a negative victory because the court abstained from ruling on the constitutionality of the Arkansas jim crow car law," said Garrett. "In short, Mitchell now has a case against the railroad, but was defeated in his prime objective of invalidating the jim crow laws.

"If this interpretation is accurate then, it may be said that the present mode of segregation as practiced in the South is unaffected by the opinion. It is travel as usual."

Afro-American
Baltimore, Maryland

Text of Decision

The opinion of the court is, in part, as follows:

MAY 3 1941

First.—The commission challenges the standing of appellant to bring this suit. We find the objection untenable. This question does not touch the merits of the suit, but merely the authority of the District Court to entertain it.

The fact that the commission's order was one of dismissal of appellant's complaint did not foreclose the right of review. Appellant was an aggrieved party and the negative form of the order is not controlling.

May Make Other Trips

Nor is it determinative that it does not appear that appellant intends to make a similar railroad journey.

He is an American citizen free to travel, and he is entitled to go by this particular route whenever he chooses to take it and in that event to have facilities for his journey without any discrimination against him which the Interstate Commerce Act forbids.

He presents the question whether the act does forbid the conduct of which he complains.

Commission Had Authority

The question of appellant's right to seek review of the commission's order thus involves the primary question of administrative authority, that is, whether appellant took an appropriate course in seeking a ruling of the commission. The established function of the commission gives the answer.

The determination whether a discrimination by an interst carrier is unjust and unlaw necessitates an inquiry int particular facts and the practice of the carrier in a particular relation, and this underlying inquiry is precisely that which the commission is authorized to make.

The District Court had jurisdiction to review the action of the commission and the question on that review was whether that action was in accordance with the applicable law.

Facts Undisputed

Second.—The case was submitted to the District Court upon the evidence taken before the commission.

The undisputed facts showed conclusively that, having paid a first-class fare for the entire journey from Chicago to Hot Springs, and having offered to pay the proper charge for a seat which was available in the Pullman car for the trip from Memphis to Hot Springs, he was compelled, in accordance with custom, to leave that car and to ride in a second-class car and was thus denied the standard conveniences and privileges afforded to first-class passengers.

Motive Is Clear

This was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro.

The question whether this was a discrimination forbidden by the Interstate Commerce Act is not a question of segregation but one of equality of treatment.

MAY 3 1941

[In this view, we have no occasion to consider the question discussed by the Attorneys General of several States in their briefs as amici curiae.]

14th Amendment Violated

The denial to appellant of equality of accommodations because of his race would be an invasion of a fundamental individual right which is guaranteed against State action by the Fourteenth Amendment and in view of the nature of the right and of our constitutional policy it cannot be maintained that the discrimination as it was alleged was not essentially unjust.

In that aspect it could not be deemed to lie outside the purview of the sweeping prohibitions of the Interstate Commerce Act.

Aim of Act Cited

We have repeatedly said that it is apparent from the legislative history of the act that not only was the evil of discrimination the principal thing aimed at, but that there is no basis for the contention that Congress intended to exempt any discriminatory action or practice of interstate carriers affecting interstate commerce which it had authority to reach.

Paragraph 1 of section 3 of the act says explicitly that it shall be unlawful for any common carrier subject to the act "to subject any particular person . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Racial Issue Clear

From the inception of its administration the Interstate Commerce Commission has recognized the applicability of this provision to discrimination against colored passengers because of their race and the duty of carriers to provide equality of treatment with respect to transportation facilities; that is, that colored persons who buy first-class tickets must be furnished with accommodations equal in comforts and conveniences to those afforded to first-class white passengers.

[In Edwards v. Nashville, C. & St. L. Rwy. Co., 12 I.C.C. 247, 249, the principle was thus stated: "If a railroad provides certain facilities and accommodations for first-class passengers of the white race, it is commanded by the law that like accommodations shall be provided for colored passengers of the same class. The principle that must govern is that carriers must serve equally well all passengers, whether white or colored, paying the same fare. Failure to do this is discrimination and subjects the passenger to 'undue and reasonable prejudice and disadvantage.'"

MAY 3 1941

Repetition Forbidden

Third.—We find no sound reason for the failure to apply this principle by holding the discrimination from which the appellant suffered to be unlawful and by forbidding it in the future.

That there was but a single incident was not a justification of the treatment of the appellant. Moreover, the commission thought it plain that "the incident was mentioned as representative of an alleged practice that was expected to continue."

And the commission found that the ejection of appellant from the Pullman car and the requirement that he should continue his journey in a second-class car was "in accordance with custom," that is, as we understand it, according to the custom which obtained in similar circumstances.

New Coach Not Enough

Nor does the change in the carrier's practice avail. That did not alter the discrimination to which appellant had been subjected, and as to the future the change was not adequate.

It appears that since July, 1937, the carrier has put in service a coach for colored passengers which is of equal quality with that used by second-class white passengers. But, as the government well observes, the question does not end with travel on second-class tickets.

MAY 3 1941

Accommodations Not Equal

It does not appear that colored passengers who have bought first-class tickets for transportation by the carrier are given accommodations which are substantially equal to those afforded to white passengers. The government puts the matter succintly:

"When a drawing room is available, the carrier practice of allowing colored passengers to use one at Pullman seat rates avoids inequality as between the accommodations specifically assigned to the passenger.

"But when none is available, as on the trip which occasions this litigation, the discrimination and inequality of accommodation becomes self-evident.

"It is no answer to say that the colored passengers, if sufficiently diligent and forehanded, can make their reservations so far in advance as to be assured of first-class accommodations. So long as white passengers can secure first-class reservations on the day of travel and the colored passengers cannot, the latter are subjected to inequality and discrimination because of their race."

Other Services Touched

And the commission has recognized that inequality persists with respect to certain other facilities such as dining-car and observation-parlor car accommodations.

We take it that the chief reason for the commission's action was the "comparatively little colored traffic." But the comparative volume of traffic cannot justify the denial of a fundamental right of equality of treatment, a right specifically safeguarded by the provisions of the Interstate Commerce Act.

MAY 3 1941

Individual Has Rights

While the supply of particular facilities may be conditioned upon there being a reasonable demand therefor, if facilities are provided, substantial equality of treatment of persons traveling under like conditions cannot be refused.

It is the individual . . . who is entitled to the equal protection of the laws, not merely a group of individuals or a body of persons according to their numbers.

And the Interstate Commerce Act expressly extends its prohibitions to the subjecting of "any particular person" to unreasonable discriminations.

ICC Must Act

On the facts here presented, there is no room, as the government properly says, for administrative or expert judgement with respect to practical difficulties. It is enough that the discrimination was palpably unjust and forbidden by the act.

MAY 3 1941

The decree of the District Court is reversed and the cause is remanded with directions to set aside the order of the commission and to remand the case to the commission for further proceedings in conformity with this opinion.

It is so ordered.

The Daily Worker
New York, N. Y.

Court Upholds Pullmans for Negroes

APR 29 1941

But Hughes' Decision Favors Segregation By Railroads

(Special to the Daily Worker)

WASHINGTON, April 28.—While actually encouraging segregation, the United States Supreme Court decided today that railroads must provide first-class accommodations — including pullman — for Negro passengers holding first class tickets.

The decision brought to an end a three-year court fight begun by Rep. Arthur W. Mitchell, D., Ill., a Negro, after he had been compelled to move from a pullman car to a jim-crow coach while travelling between Memphis, Tenn. and Hot Springs, Ark. The court held Mithcell's ejection a violation of the 14th Amendment.

APR 29 1941

Mitchell, holder of a first class ticket was denied pullman accommodations on the Chicago, Rock Island and Pacific Railroad because of an Arkansas law which requires segregation of white and Negro passengers. He challenged application of the statute to persons moving in interstate commerce, and demanded equal accommodations although he did not challenge the principle of segregation which is at the basis of inferior conditions imposed upon Negroes by the state officials and railroad corporations.

In a decision written by Chief Justice Hughes, the principle of segregation was upheld and encouraged:

APR 29 1941

"The question whether this was a discrimination, forbidden by the interestate commerce act, is not a question of segregation, but one of equality of treatment."

Thus while giving the decision to Congressman Mitchell, the court left the segregation laws intact, under the myth that "equality of treatment" for Negro people can be had as long as segregation exists.

Outstanding about the case is the fact that Mitchell's opponent was the Interstate Commerce Commission, a federal body, which argued that the Railroad was correct in denying Negroes first class accommodations on any basis whatever. It justified the railroads in refusing to have even jim-crow accommodations on pullmans since it would raise the companies operating costs.

The Plaindealer
Kansas City, Kan.

THE JIM CROW CAR GETS A DEATH KNELL

MAY 2 1941

The Supreme Court gave Jim Crow a knockout blow this week when it ruled that Negroes are entitled to the same first class services and accommodations on pullman cars that white passengers enjoy. This means that common carriers through interstates must furnish Negroes the same travelling accommodation as they do white people in pullmans, day coaches, busses and airplanes. The common carriers can either let the Negroes ride in the same coaches with the whites or equal accommodations must be furnished.

MAY 2 1941

A number of the Southern states had started movements to block the Mitchell case before the Supreme Court ruling, but the High Court gave a deaf ear to their pleas. The Southern states realized that a favorable decision as was given by the Supreme Court would cause a complete revolution in the South where the jim crow law operates. The problem that faces the South under the Supreme Court ruling is economic. It will cost a lot of money to give equal accommodations and promote jim crow at the same time. It means that in some cases the railroads will have to furnish a whole car for one Negro in order to give equal accommodations, a whole dining car crew and everything necessary to give equal accommodations.

MAY 2 1941

The Supreme Court stands by the law and the Negroes of this nation should be proud of the fact that we have a Supreme Court. Long live the Supreme Court in order that justice and fair play can be meted out to all human beings.

The Daily Worker
New York, N. Y.

A Partial Victory For Negro Rights

The ruling of the Supreme Court requiring the railroads to provide first-class accommodations for Negro passengers in the deep South, must be attributed to the persistent struggles of the Negro people, and to the more intelligent support to these struggles coming from labor and white progressives.

APR 30 1941

This is a victory for Negro rights. But it is only a half victory. The decision, written by Chief Justice Hughes, deliberately ducks the question of segregation, and therefore leaves the whole superstructure of jim-crowism and discrimination—of which segregation is a part—intact. Even more, it actually encourages segregation, saying that the case was "not a question of segregation." This leaves a loophole for the poll tax officials and the railroad corporations who will try to maneuver around the decision.

Segregation and all other forms of discrimination are for the purpose of imposing inferior conditions upon Negro citizens, and until such evils are done away with there can be no real "equality of treatment" and therefore no genuine enforcement of the 14th Amendment.

APR 30 1941

It is incidentally, a devastating commentary on the so-called democracy in America, when a Negro Congressman, Arthur Mitchell —an elected representative of the people— has to resort to the Supreme Court to ride a Pullman in Arkansas. (What of the average Negro citizen?) It is also revealing that the Interstate Commerce Commission, a federal body appointed by the Roosevelt Administration, joins with the Attorney-Generals of seven poll tax states to oppose the constitutional rights of the Negro in this case.

The Negro people, and their supporters, should use this decision to press harder for their full constitutional liberties in every field of endeavor. **Particularly should the Negro workers raise sharply the question of their constitutional rights to join labor unions in the railroad industry.**

It is the policy of the railroads and the jim-crow state officials which is being enforced when the leaders of various railroad unions deny membership to some 100,000 Negro workers and thus weaken the strength of the unions. These workers, with the full support of the white members of the railroad and other unions, should insist upon their right to join the unions under the Railway Labor Act and the National Labor Relations Act.

Argus
St. Louis, Missou

CONGRATULATIONS, MR. MITCHELL

MAY 2 1941

We congratulate Congressman Arthur W. Mitchell for the victory which has come to him and his race through the decision of the United States Supreme Court in the celebrated railroad Jim Crow case. It will be remembered that more than four years ago Congressman Mitchell, while enroute from Chicago, Illinois, to Hot Springs, Arkansas, was forced from a Pullman car into a Jim Crow car under threat of arrest from train officials, who acted on the assumption that because Mr. Mitchell was a Negro he was not entitled to ride in a first class coach in the state of Arkansas even though he had paid first class fare. Having been thus humiliated, Mr. Mitchell being a lawyer, knew his rights based upon the Fourteenth Amendment to the Federal Constitution, and resolved in his own heart that this was his opportunity to strike the nefarious Jim Crow car system in the South, and to "strike it hard." Thus, he filed a complaint with the Interstate Commerce Commission and not receiving the relief sought, he took the matter to the Northern Illinois District Court and from there to the United States Supreme Court, Washington, D. C., where his efforts were crowned with success, and the Interstate Commerce Commission was rebuked by Chief Justice Charles E. Hughes for not having acted in Mitchell's favor when his original complaint was filed.

MAY 2 1941

This case will become more interesting to the public as time goes on because the Attorney Generals of ten southern states filed intervening petitions asking the court not to pass on the Mitchell case because it would upset southern social traditions, but the court ignored such petitions and upheld the rights of the Negroes to have equal accommodations as interstate passengers anywhere in this country.

Another interesting feature about this matter is that from the beginning Mr. Mitchell had the faith, courage, interest and the means necessary to prosecute the case to a successful conclusion. Like many other evils, year in and year out thousands of our people have been robbed of first class accommodations when paying first class fares on common carriers throughout the South, but the gods of destiny, it seems, made Arthur W. Mitchell the victim at a time when he was in a position to protect himself and those similarly situated. In the prosecution of this suit during the past four years, it is understood that it has cost the plaintiff more than seven thousand dollars, all of which he has paid out of his personal funds.

And while the congressman is jubilant and has the self satisfaction of having done something worthwhile for the benefit of his race, yet few of us, if any, will fully realize the extent or the far-reaching effect this decision by the United States Supreme Court will have upon the conduct of the people of the southern states on the question of racial segregation.

MAY 2 1941

Like the effects of the Gaines case on the education of our race, so will the Mitchell case affect racial segregation.

Again we congratulate you, Mr. Mitchell, upon your success in a hard fought battle.

Pittsburgh Courier
Pittsburgh, Pa.

WHAT THE MITCHELL DECISION MEANS

MAY 10 1941

American Negroes get so few "breaks" that when anything favorable to them occurs they are disposed to go "all out" in uncritical enthusiasm. The current wave of optimism over the decision of the United States Supreme Court in the Mitchell jim-crow coach litigation is a case in point.

Having secured first-class accommodations from Chicago to Hot Springs, Arkansas, Congressman Mitchell was forced to leave the first-class car at Memphis and go into the second-class jim crow coach for the remainder of his journey, in violation of the provisions of the Interstate Commerce Act.

Mr. Mitchell quite properly sued, and, losing the first round to the Interstate Commerce Commission, took the case to the high court whose favorable decision is now being hailed by the unthinking as a new Magna Charta of Negro rights.

The Court's decision does not affect intrastate traffic: i. e., journeys within a State. Thus, it means nothing to a Negro traveling from Marshall, Texas, to El Paso, Texas, or from Atlanta to Savannah, or from Holly Springs to Gulfport, Miss.

MAY 10 1941

The Court holds that where first-class tickets are offered to the public, and a Negro is refused accommodations: i. e., refused a ticket, that particular Negro has been discriminated against by virtue of the Interstate Commerce Act prohibiting discrimination in **interstate** traffic (but not in **intrastate** traffic). Also "That colored persons who buy first-class tickets must be furnished with accommodations equal in comforts and conveniences to those afforded to first-class white passengers."

This means that **IF** a first-class ticket is sold to a Negro (in **interstate** traffic), he must not be made to use second-class accommodations.

A Negro in the South who is refused first-class accommodations (in **interstate** traffic) has no way of determining whether or not there is space available when the agent says there is not, unless he can get some white person to attempt purchase of accommodations after he (the Negro) has been refused, and this manifestly presents difficulties.

Although the Court **mentions** discriminations in second-class accommodations, it makes no direct, definite and succinct holding in this connection, nor does it make any definite ruling on dining-car and observation-parlor car accommodations; and of course nothing the Court says about first-class passage is operative until a Negro is in **possession** of a first-class ticket.

MAY 10 1941

In other words, nothing **new** has been established by the Mitchell ruling because the Interstate Commerce Act already forbade discrimination against any traveler in **interstate** traffic, and this Act is cited by the Court as a basis for its decision. The Court merely refers the I. C. C. to the provisions of the Act which guides or is supposed to guide it, and says, in effect, "Obey the law."

Countless thousands of Negroes have, by virtue of the Interstate Commerce Act, traveled first-class in the Southern States and are doing so at this moment. The Mitchell decision will help such travelers in that they can no longer be refused the privileges of the dining room, bar, parlor car and observation car, as they usually have been, although not always. However, nothing within the Act or the decision makes it illegal for the stewards and conductors to set aside a certain time for Negro first-class passengers to be accommodated, as is done now with the "Third Call" for meals in dining cars in the South.

MAY 10 1941

What the Mitchell decision **does** is to establish a precedent which can be used in future cases covering discriminations in first and second-class travel.

With deluxe all-coach (second-class) passenger trains increasingly placed into service traversing the South, it behooves Negroes to get busy and bring other suits against the railroads to force open the dining, parlor and observation cars of these streamliners to colored passengers.

Congressman Mitchell deserves universal commendation for testing the Interstate Commerce Act and carrying his case to the highest court, and has placed us all in his debt.

Nevertheless he errs when he declares that "this is the first real progress made during my lifetime in breaking down the vicious system of segregation which has enveloped Negroes in the South."

MAY 10 1941

The Supreme Court decision has nothing to do with segregation at all. It says clearly that it "is not a question of segregation but one of equality of treatment."

Numerous decisions of the U. S. Supreme Court have been greater blows to Negro segregation than this one: i. e., the 1915 (Oklahoma) decision declaring unconstitutional the so-called grandfather clause disfranchising Negroes; the 1917 (Kentucky) decision declaring city residential segregation ordinances unconstitutional; the 1923 (Arkansas) decision holding a mob-dominated court trial not to be due process of law; 1927 and 1932 (Texas) Democratic white primary declared unconstitutional; 1935 (Oklahoma) excluding Negroes from jury panel where victim is a Negro declared unconstitutional; 1937 (Kentucky) similar holding; 1937 (Mississippi) torturing to secure confession declared unconstitutional; 1938 (Missouri) exclusion of Negroes from state-owned schools while failing to provide equal Negro schools declared unconstitutional.

MAY 10 1941

We are slowly moving forward. It is a long, hard fight, and the end is not yet. There is so much yet to be done that there is glory for all who are willing to sacrifice time and money in our fight for freedom.

ONE important aspect of the Mitchell case to win the right for equal accommodations for Negro passengers on trains has been called to the writer's attention by Atty. Harold Tyler of Chicago. It has to do with recognition of the professional status of the Negro lawyer, doctor and businessman. Attorney Tyler is sensitive to the fact that Negroes often seek the help of whites or patronize whites because they feel that the whites are smarter, have some pull, or sell better goods. But it was not demonstrated in the Mitchell case that the white lawyers of the opposition had any better brains, training or "pull" than the Negro lawyers. The white lawyers lost. Mr. Tyler writes:

Mr. Prattis

LEGAL PRECEDENT

"Mitchell and Westbrooks (Mr. Mitchell is a lawyer and Mr. Westbrooks is the colored lawyer who represented him) made legal history by their smashing victory. They have not only written their names in the annals of jurisprudence, but they have also set a legal precedent that will be law for succeeding generations.

"THIS CASE was directed in its entirety by race counsel. Not only did they face astute and noted counsel of the other group from big corporations, but also the combined front of ten southern States. In short, the ability of the Negro attorney was proved in the face of as united and able opposition as we could ever expect to meet.

TO WHITE LAWYERS

"Eighty per cent of Chicago's Southside accident cases go to white attorneys. Fifty per cent of the criminal cases go likewise. The percentage of white cases which goes to Negro attorneys is negligible. This same situation undoubtedly holds good in other communities.

Pittsburgh Courier
Pittsburgh, Pa.

The Horizon

BY P. L. PRATTIS

MITCHELL VICTORY GIVES US NEW SLANT ON NEGRO LAWYERS

THROUGHOUT the South the Supreme court decision in the Mitchell case is being hailed as a great victory by Negroes. They are happier about it than they have been about any occurrence within a generation. They feel that an important breach has been made in the wall of prejudice which encloses them.

"THE ONLY argument used by white attorneys to gain this tremendous competitive advantage is that, because they are white, they can assure more victories than Negro attorneys. Has this myth been expelled?

"Houston in the Virginia University, University of Maryland and Missouri University cases, Dickerson, et al, battling restricted covenants in Chicago and finally Westbrooks and Mitchell are but a few of the historical and precedent making victories by race counsel in the past ten years which have served to explode the myth in no uncertain manner."

STRANGE PARADOX

Of course, colored members of the legal profession and of other professions expect to benefit personally from the support of their own people. But that is not the important point. Almost every injustice from which Negroes suffer can be attacked under the smartly-directed artillery of the law.

MR. TYLER points to the anomaly of Negroes seeking redress from the legal representatives of the very group which creates the prejudices in customs and fights stubbornly to maintain racial restrictions.

SLAVERY HANG-OVER

This is a good time for us to take stock of our own professional resources, to remember that even our best white friends may not be our most able representatives. The Negro lawyer and the Negro doctor belong to us. All of them are not able. Neither are all white lawyers and doctors. White people have to pick the most able from among their own. We should choose our most able lawyers and doctors to serve us and do all we can to rid ourselves of the slavery hang-over of believing that white makes right.

Bystander

Des Moines, Iowa

THE MITCHELL CASE

It has been said on more than one occasion that we have worked out more scientific methods of breeding fine horses, cattle and hogs than of fine human beings; that the Interstate Commerce Commission has given great study and attention to the job of regulating commerce between the states but little has been done. That is the question over which the case of Congressman Mitchell arose.

Contrary to the notion of most people, the Supreme Court decided no new question when it ruled that railroads must provide equal accommodations to interstate passengers whether those passengers happened to be white or black; whether those passengers were riding in jim-crow states or not. The court passed on this question several years ago and this decsion simply restates the principle. The jim crow car remains in its legal status.

However, it is not folly to have these cases go to the high court for it is beneficial that public pronouncements of equality before the law be restated as often as possible.

Again there are two angles in connection with these decisions that may well be followed up and some day they may have profound bearings on intra state traffic. It is common knowledge that railroads have made some effort to comply with the first decision but the expenses of maintaining Jim Crow cars with equal accommodations have been a heavy drain on the carriers. And it is generally known that accomodations for intra state Negro passengers in jim crow states have not been equal. Therefore if the Supreme Court follows its line of decisions when it held that states must provide equal accomodations to intra state passengers.

It seems a pity that a minority group in a great democracy must fight to maintain its rights, yet no nation or race has won very much without a fight. Negroes are no exception to the rule. The Bystander believes that these cases would be kept before the public either in court or on the platform.

Daily World
Atlanta, Georgia

Mitchell Case In Record

WASHINGTON, D. C.—(ANP)—Giving an accounting to the house of his recent victory over the southern railroad which embarrassed him while traveling over its lines, Congressman Arthur Mitchell read into the House Record last weekan account of the entire proceedings for the enlightenment of thise interested in the difficult case. Said Mr. Mitchell.

"I am taking this opportunity to bring to the attention of the country at large the findings and judgment of the Interstate Commerec commission, the United States District court of the northern district of Illinois and the supreme court of the United States."

Then followed a chronological arrangement of the cause and the happenings from the date of filing on September 2, 1937.

"The decision of the supreme court is perhaps the most important and far reaching that has beer handed down in the interes of citizenship rights of Negroes during the existence of this government.

"The fight for the rights of the Negro has been a hard and expensive one, covering a period o' more than four years. All the expenses incurred in this suit have been borne by me. I think it is well to note that I, with a Negro lawyer, Richard E. Westbrooks, of Chicago, have fought the case through all of the courts. We conducted the hearing in Chicago, argued the case before the Interstate Commerce commission and before the U. S. District court in Chicago. We also argued the case before the supreme court of the United States, this being the first and only instance where a member of our race has argued his own case before that high tribunal.

"Attention should be called to the fact that the Interstate Commerce commission divided in its opinion, six holding against me and five in very strong dissenting opinions, holding for me. The appeal to the U. S. District court of the northern district of Illincis was heard by judges sitting en en banc. Their decision against me was unanimous for me, setting aside in strong language the findings of the Interstate Commerce commission and the decision of the U. S. District court of the northern disrict of Illinois.

"I say again that the decision in this case is far-reaching and should do much to break down the visions wall of segregation which has been built around the Negro, denying him his citizenship rights in almost every phase and walk of life in this country."

Chicago Bee
Chicago, Illinois

REP. MITCHELL GIVES RESUME OF R. R. SUIT

The Congressional Record for September 18, outlines in detail the fight waged for more than four years by Congressman Arthur W. Mitchell, lone Democrat in the House of Representatives from Illinois' First Congressional District.

Congressman Mitchell's battle before the Interstate Commerce Commission and the courts of the country shows how he fought to bring about equal accommodations for Negro passengers traveling interstate.

On April 28 of this year the United States Supreme Court rendered a decision in favor of Congressman Mitchell, which barred discrimination on account of race or color and ended the famous Mitchell railroad suit which was instigated after he was refused first class ticket accommodations while traveling between Memphis, Tenn., and Little Rock, Ark., on the morning of April 21, 1937.

Seeks Relief Before ICC

Congressman Mitchell was ejected from the Pullman car in which he was riding and forced to travel in a jim crow coach. He immediately filed suit before the ICC and a second suit, which is now pending in the civil courts of Illinois asks damages of $50,000.

The Illinois solon's suit for relief was denied by the ICC, as was a petition for rehearing in March of 1939. The suit was then appealed to the United States district court in April of the same year. In June of 1940 the court returned a decision denying Congressman Mitchell's petition for relief.

Determined to prosecute the case to the highest court in the land if necessary, Congressman Mitchells answer was an appeal to the United States district court. Then followed a bitter struggle by southern states to influence the nation's highest tribunal in its review of the case.

Of Far Reaching Importance

In summing up his history of the case before the House of Representatives last Wednesday, Congressman Mitchell termed the Supreme Court decisions as "perhaps the most important and far reaching that has been handed down in the interest of citizenship rights of Negroes during the existence of this government."

"The fight for the rights of the Negro has been a hard one," he continued, "covering a period of more than four years. All the expenses incurred in this suit have been borne by me." The congressman lauded his counsel, Richard E. Westbrooks of Chicago, who with him fought the case through all of the courts so that the "vicious wall of segregation which has been built around the Negro" would ultimately be smashed.

Kansas City Call
Kansas City, Mo.

Sues Bus Company For $5,000

(30)

Kansas Woman Was Ejected From Vehicle

KANSAS CITY, Kas. —(Special) —Mrs. Leona Boone filed suit last week in the Wyandotte County district court against the Southwestern Greyhound bus lines for $5,000 damages for injuries suffered when she was allegedly forcibly ejected from her seat on a south-bound vehicle to provide a seat for some white women. Mrs. Boone is represented by Myles C. Stevens.

According to her petition the plaintiff purchased a roundtrip ticket from Kansas City, Mo., to Clarksdale, Miss., on May 17, 1941. Traveling on the ticket between St. Louis and Memphis, and seated in the space said to be "reserved" for Negro passengers, she states that the bus driver asked her to give up her seat at Blytheville, Ark. to some white women who had boarded the bus at that point. The distance from Blytheville to Memphis was 200 miles and the driver knew Mrs. Boone would have been obliged to stand up all the way

When she refused to move for the white women, Mrs. Boone alleges, that the bus driver forced her to get up. His abusive language, threatening remarks and the forcible ejection caused her to become ill from nervousness and humiliation, the plaintiff says. She was unable to make the return trip by bus and her husband had to go to Clarksdale and bring her back.

Mrs. Boone was confined to her bed for three weeks after the incident and is still under the care of a doctor. She is the wife of a prominent member of Argonne post No. 217, the American Legion.

AUG 25 1941

Pittsburgh Courier
Pittsburgh, Pa.

Lift Ban On Pullmans In Dixie

MAR 15 1941

30

BATON ROUGE, La., March 13—The race has been successful in its fight to ride Pullman coaches in the South, according to a statement issued this week by Attorney J. E. Perkins, regional secretary of the N. A. A. C. P. Due to the determined fight made by the Southern Conference a tacit agreement has been reached to permit Negroes to have Pullman accommodation.

In every case of discrimination since 1935 the southern branches of the N. A. A. C. P. has appealed to the Interstate Commerce Commission and the agreement reached affects all important railroads serving this section.

Heretofore Negroes desiring Pullman seats could not obtain them in the South and in many cases where Pullman tickets were held they were denied the service. The new agreement is believed to have abolished the practice of forcing members of the race to buy an entire Pullman car or use a drawing room if they desired comfortable quarters.

MAR 15 1941

Among the railroads listed under the new agreement are the L. and N., Southern, Illinois Central and the Missouri Pacific.

afro-American 30-1941
Baltimore, Maryland

Oust NAACP Delegates from Sleeper

BALTIMORE.—While en route to attend the NAACP national convention at Houston, Texas, last week, Mrs. Lillie M. Jackson of Baltimore and Mrs. Pearl Mitchell, Cleveland social worker, were ejected from their pullman quarters and compelled to continue in the crowded jim-crow section of the train, it was learned here on Monday.

Both Mrs. Jackson, president of the Baltimore branch of the NAACP, and Mrs. Mitchell, a member of the national NAACP board of directors, plan to institute suit against the Missouri-Pacific Railroad Company on which line the discrimination occurred.

Had Tickets to Houston

According to information received, Mrs. Jackson, who had received pullman accommodations straight through to Texas from her starting point in Baltimore, was joined by Mrs. Mitchell in Cleveland.

They were granted the accommodations their tickets called for until the train reached a point approximately two hours ride outside Houston when they were forced by a conductor to take their baggage and proceed to the jim-crow section.

National NAACP lawyers have become interested in the case, particularly in view of the recent U. S. Supreme Court ruling on the Congressman Arthur Mitchell case under which discrimination on pullman trains is prohibited.

30-1941

MICHIGAN

Kansas City Call
Kansas City, Mo.

Wins $250 From Greyhound Bus

DETROIT.—Mrs. Sarah M. Love of Jackson, Miss., was awarded $250 damages from the Central Greyhound bus lines last week by a jury in the federal court.

Mrs. Jackson testified that a bus driver had forced her off a Chicago-bound bus November 1, 1940, at Kalamazoo, when she refused to pay 15 cents for a sandwich which she was not permitted to eat in the bus-stop restaurant.

The Plaindealer
Kansas City, Kan.

Minister Defies Jim Crow Law; R.R. Wires To Not Bother Him

Pastor Rides from Minnesota to Texas Without Jim Crow and Tells How It Was Done

ST. PAUL, Minn. ANP)—Rev. Clarence T. R. Nelson, pastor of the Camphor Memorial Baptist church here, rode all the way to Houston, Texas, where he attended the recent NAACP conference, in the "white" day coach and arrived there unmolested.

He attributes his success in part to a telegram, sent by railroad officials to certain trainmen he was to encounter, advising them not to "bother" the minister.

His trip he describes as being without incident until he approached the Oklahoma border, where a porter asked him to move to the coach ahead.

When he refused to move saying that he was an inter-state passenger, the porter let him alone, but asked a woman passenger to move and helped her with her bags to the jim crow car.

Need Emancipation

Told by a white woman passenger, who said she was interested in colored people and had solicited funds for a school in Guthrie, Okla., that he "was making it hard for the good colored people of Oklahoma", the Rev. Mr. Nelson replied that "the good colored people need to be emancipated."

After he got into Oklahoma, he was approached by the conductor, who said it was all right with the railroad for him to ride in the chair car, but that it was against the law of the State and he might be arrested.

Still the minister refused to move. Later the conductor asked for his name, and when he finally gave him his card, the conductor said, "I am just trying to hold my job."

Porter Admires Stand

Just before the train reached the station in Dennison, Texas, the Rev. Mr. Nelson went into the jim crow car and found it "hot, not air-conditioned with hard seats, dirty and smelly." The porter said to him "I wish that more of our people would take the stand you have taken."

At Dennison he had to change trains and while he was eating dinner, the conductor of the train which he was to take to Houston approached the Rev. Mr. Nelson and asked him what car he wanted to ride in.

He replied that he was an inter-state passenger and the conductor said "All right, you can ride in the chair car if you will ride in the rear seat and not in the center." There he rode with Mrs. W. S. Lamberth of Omaha, whom he persuaded to leave the jim crow car.

Puts Conductor Straight

A new conductor who boarded the train at Fort Worth told him that his riding in the chair car was in violation of the Texas law, to which he replied. 'And the Texas law is in violation of the 14th Amendment to the Constitution of the United States." Very meekly the conductor said he was merely following orders and went on about his business.

"At Waco", the Rev. Mr. Nelson reports, "I was awakened by a trainman who asked me in a very hateful tone and in true southern style, 'Where are you going, boy?' Don't you know you are not supposed to be riding in this car?"

"I asked him whether he knew the 'that G— D— n— is riding in the chair car!' Mr. Dixon said he learned that the trainmen had received a telegram which said 'Don't bother him.' "

latest ruling of the Supreme Court which says that inter-state passengers are not to be discriminated against. He said, We'll see' and went on.

"I went into the jim crow car just as we came into Houston and sat with the only colored passenger in the car, a Mr. Dixon. He told me that during the night one of the trainmen came into the car and said

Trainmen Forewarned

From Mrs. Lamberth, the Rev. Mr Nelson learned that, while he was eating in Dennison, four officers, two of them city police and two railroad officers went into a huddle and would have arrested him but for the fact that one of them read the Supreme Court ruling on the Mitchell case to the other officers and they decided not to bother him.

The white passengers, according to the minister, "really did not seem to be worried about my presence."

Age-Herald
Birmingham, Ala.

MISSISSIPPI ISSUES 'JIM CROW' RULING

JACKSON, Miss., May 26—(AP)—Negro railroad employes must be given accommodations equal to and separate from those of white passengers when the employes' duty requires use of such accommodations, the Mississippi Supreme Court ruled Monday in an interpretation of the state's "Jim Crow" statute.

The "Jim Crow" decision was in a suit filed by Mrs. Etta Ammons against Lieut. Gov. Dennis Murphree, the Pullman Company and the Illinois Central Railroad.

She charged that in 1933 she had been a passenger on a "Know Mississippi Better" train operated by Murphree and the railroad and that over her protests a Negro porter had been allowed to sleep in a berth above the Pullman berth she occupied.

State Tax Collector Carl Craig's suit for more than $1,000,000 in taxes sought from nine major oil companies were dismissed by the court.

Upholding Special Chancellor Lamar F. Easterling, of Hinds County, the court concurred in a view that the companies were allowed tax exemption on 2 per cent of their total gallonage shipped into the state to compensate for losing by shrinkage and evaporation.

Chicago Defender
Chicago, Illinois

FORCE WOMAN TO GIVE UP A RESERVED SEAT

'You're Down Here Now!' Greyhound Driver Tells Passenger

By HAYWARD JACKSON

NEW ORLEANS—Because she refused to occupy the last seat across the back of the bus while possessing paid transportation for seat No. 29 on a Greyhound bus en route from Chicago to New Orleans, Mrs. Clara Wilson, 5211 Indiana avenue, Chicago, was forced to leave the bus at Jackson, Miss., Thursday, and buy railroad transportation from the Mississippi capital to New Orleans.

A white passenger occupied her seat while she was in the Jackson station during the rest stop. Mrs. Wilson had been sold the No. 29 reservation in Chicago and was guaranteed that seat into New Orleans. (The Greyhound company's printed schedule plainly states that all express schedule bus seats are reserved.)

Mrs. Wilson obtained her reservation from Chicago to New Orleans, Saturday, May 10, but did not leave until Wednesday, May 14.

When purchasing her reservation, she said that she specifically inquired of the ticket agent as to

CLARA WILSON

whether she could obtain a reserved seat into New Orleans without molestation.

She was told that the company could not guarantee seats below No. 29 below Paducah, Ky. But he had a station attendant show her seat No. 29 and informed her that he could guarantee her that seat into New Orleans. He then wrote the number of the reservation on the back of the ticket.

(Passengers may ride in any seats available from Chicago to Paducah. Seats below No. 29 are commonly referred to as "Paducah seats" in bus-line parlance.)

Mrs. Wilson stated that she had no trouble until the Jackson incident. She got off the bus and went into the Mississippi station during the regular rest stop and when she returned a white lady was sitting in her seat, No. 29. There were few passengers on the bus. When she asked the driver concerning her seat, Mrs. Wilson stated that he bellowed, "Sit on the back seat!"

In a courteous tone which she said she kept throughout, Mrs. Wilson again asked for her seat.

"You'll sit where I tell you, or else!" the driver is said to have thundered.

Stating that she had assurance and reservation for that No. 29 seat from Chicago to New Orleans through the Chicago office, Mrs. Wilson again asked for her seat.

"You'll sit where I say. We tell them what to do down here. You are down here now. You sit where I tell you to sit," he roared. Whereupon the driver is said to have snatched Mrs. Wilson's ticket from her hand and punched it.

"Oh, no I will not," she said quietly. "Give me my ticket." He did. "I'll report this to the officials," she told the driver.

"That won't do any good. They can't do anything about it. You are in the South now. You sit where I say or else."

Mrs. Wilson declares that she became so frightened at the menacing attitude of the driver that she immediately left the bus. The driver got out and several other whites around the bus gathered about him.

Negro Men Flee

Thoroughly frightened and not knowing what to expect, she sought to ask several porters around the station information about railroad transportation. But Mrs. Wilson declared that the porters backed off and ran into the station.

She then turned and walked two blocks to the railroad station where in her haste to leave Jackson she boarded the wrong train and had to get off at Crystal Springs, Miss., to catch a special train running from Jackson to New Orleans.

Mrs. Wilson declares that in view of the recent case of Congressman Arthur Mitchell and the fact that she held a paid reserved ticket from Chicago to New Orleans, she will file suit against the Greyhound line for not carrying out its contract.

She stated that the threatening attitude of the driver alarmed her and that he was very discourteous while she was civil and courteous in her attitude. She plans to return to Chicago Thursday and have Atty. Richard E. Westbrooks file suit immediately.

Pittsburgh Courier
Pittsburgh, Pa.

Forced To Leave Bus In Miss.

NEW ORLEANS, La., May 22—The first aftermath of the Mitchell case was the forcing of Mrs. Clara Wilson, of Chicago, to leave a Greyhound Express bus at Jackson, Mississippi, early last Thursday morning. Mrs. Wilson was en route from Chicago to this city.

The woman was forced out of the bus by the driver when she refused to occupy the rear seat when her ticket called for a reserved seat which she had occupied to the Mississippi capital.

According to Mrs. Wilson the trip was without incident until she arrived at Jackson and left the bus to enter the ladies rest room. On her return a white woman was occupying her reserved seat. The driver refused to listen to the woman's plea and told her, "You'll sit where I tell you or else."

Mrs. Wilson left the bus and secured railroad transportation to this city. She plans to enter suit against the bus company on her return to Chicago and has already instructed Attorney Richard Westbrook, who represented Congressman Mitchell, to prepare the case

Journal and Guide
Norfolk, Virginia

Mississippi Court Rules For Equal Porters' Berths

JACKSON, Miss.—The Mississippi Supreme Court ruled Monday that, under the state's Jim Crow law, when a colored employee of a railroad must provide for him accommodations in a Pullman car, that railroad must prive for him accommodations equal to, but separate from those provided for white passengers.

The decision hinged upon the reopening of a $40,000 damage suit brought against Lt. Gov. Dennis Murphree, the Pullman Company and the Illinois Central railroad by Mrs. Etta Ammons, white.

Mrs. Ammons charges in the suit that in 1933 on a "know Mississippi better" excursion operated by Murthree and the railroad, a Negro porter was allowed to sleep in a berth above her after he had finished his duties for the night.

The case was continued by the court for further trial.

Commercial Appeal
Memphis, Tennessee

'JIM CROW' LAW SUIT REHEARSING IS OPENED

Jackson Woman Asks $40,000 In Mississippi Court

Special to The Commercial Appeal

JACKSON, Miss., Sept. 15.—Retrial of a suit by Mrs. Elta Ammons of Jackson, seeking $40,000 damages from Lieut. Gov. Dennis Murphree, the Illinois Central and the Pullman Company for allegedly permitting a Negro porter to occupy a berth above the one reserved by the plaintiff on the Know Mississippi Better train, Monday began in Hinds County Circuit Court.

Mrs. Ammons charges that the incident occurred in August, 1933, while the train was in Mississippi and Tennessee and that occupancy of the berth by the porter was in violation of the "Jim Crow" laws in those states.

The suit was originally filed on Aug. 9, 1939, six days before the primary in which Mr. Murphree was a candidate for lieutenant governor. Mr. Murphree won in the Hinds County Circuit Court when Judge Julian P. Alexander, now a member of the Supreme Court, upheld a demurrer which contended that the porter was not a passenger on the train and therefore not subject to the segregation statute of Mississippi.

On appeal, however, the Supreme Court in a 3 to 2 decision, overruled the lower court and sent the case back for retrial. The Supreme Court's contention was that as long as the porter was actively engaged in his duties he was an employe, but that if he slept aboard the train he automatically became a passenger and subject to the "Jim Crow" law.

Lieut.-Gov. Murphree, in an answer filed Monday, denied he had any authority, as general chairman of the Know Mississippi Better Train, over the berth Mrs. Ammons occupied, and that he was not responsible for the porter's alleged occupancy of the upper berth. His answer declared that the upper berth was part of the space reserved by the railroad company and Pullman companies for their use and not part of the space chartered by him. He also stated that he had no authority over the porter's activities or rest periods.

Black Dispatch
Oklahoma City, Okla

Mississippi Supreme Court Holds Negro Train Employes Must Be Given Separate Travel Accomodations

JACKSON, Miss. — (ANP) — Pullman porters are still Negroes, and as such they cannot sleep in the same compartments with white passengers, the Mississippi supreme court ruled Monday. The question came up when the court reversed and remanded a suit brought by Mrs. Etta Ammons, white, against Lieut. Gov. Dennis Murphree for $40,000 damages on an allegation that a Negro porter was allowed to occupy an upper berth above her on a train in 1933.

The woman claimed that Aug. 4, 1933, she boarded the "Know Mississippi Better" train here and made arrangements for a lower berth. That night, while the train was still in Mississippi, she found that a porter had been allowed to use the upper berth of her section as sleeping quarters.

She objected to his presence there and the man was ejected only to return to the berth. She charged that he was "allowed to occupy the upper berth in spite of repeated protests of appellant made to all three defendants." The defendants are the lieutenant governor, the Pullman company and the Illinois Central railroad.

The defendants filed demurrers contending that the statue under which the action was brought does not apply to or include employes, but refers specificlly to passengers. However the judge who read the court's opinion said: "When a Negro porter is lodged for the night in the same section with a white passenger then he is being accommodated within the meaning of the statue, and that must be in a separate compartment, not in the same berth as was the case here."

One of the associate justices dissented and was supported by the chief justice; they took the position that the statue applied only to passengers and that the porter's "passage on the train was a mere incident and a necessary one to his duties."

"He was there to serve the passengers," the dissenting opinion said, "and for that purpose was subject to their call night and day, and that is true whether he was standing up, sitting down or lying down. The statue requires separate accommodations for white and Negro passengers."

Commercial Appeal
Memphis, Tennessee

'JIM CROW' LAWSUIT ENDED BY AGREEMENT

Mrs. Elta Ammons Accepts Compromise By Defendants

JACKSON, Miss., Sept. 16.—(AP)—Former Gov. Lee Russell announced Tuesday Mrs. Elta Ammons had accepted a cash settlement from the Illinois Central Railroad and the Pullman Company, and would withdraw her suit for $40,000 damages sought because a negro porter slept in a berth above her berth aboard the 1933 "Know Mississippi Better" train.

As attorney for Mrs. Ammons, Russell said the demand for damages on Lieut.-Gov. Dennis Murphree, the manager of the tour, would be dismissed by agreement.

Both Russell and attorneys for the railroad declined to make public the amount of the settlement. Final judgment is scheduled to be handed down in Circuit Court here Wednesday.

The Supreme Court last Spring overruled a demurrer filed by Murphree and the two companies, the court holding that when a negro porter went to sleep on a passenger train he became a passenger subject to the state's "Jim Crow" laws.

Chicago Defender
Chicago, Illinois

Mississippi Rules That Even Train Employes Must Suffer Segregation

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The woman claimed that August 4, 1933, she boarded the "Know Mississippi Better" train here and made arrangements for a lower berth. That night, while the train was still in Mississippi, she found that a porter had been allowed to use the upper berth of her section as sleeping quarters.

She objected to his presence there and the man was ejected only to return to the berth. She charged that he was "allowed to occupy the upper berth in spite of repeated protests of appellant made to all three defendants." The defendants are the lieutenant governor, the Pullman company and the Illinois Central railroad.

The defendants filed demurrers contending that the statute under which the action was brought does not apply to or include employes but refers specifically to passengers.

However the judge who read the court's opinion said: "When a Negro porter is lodged for the night in the same section with a white passenger then he is being accommodated within the meaning of the statute, and that must be in a separate compartment, not in the same berth as was the case here."

One of the associate justices dissented and was supported by the chief justice; they took the position that the statue applied only to passengers and that the porter's "passage on the train was a mere incident and a necessary one to his duties."

He was here to serve the passengers," the dissenting opinion said, "and for that purpose was subject to their call night and day, and that is true whether he was standing up, sitting down or lying down. The statute requires separate accommodations for white and Negro passengers."

The Plaindealer
Kansas City, Kan.

Miss. Supreme Court Holds Negro Train Employes Must Be Given Separate Travel Accommodations

JACKSON, Miss., June 6 (ANP)—Pullman porters are still Negroes, and as such they cannot sleep in the same compartments with white passengers, the Mississippi supreme court ruled Monday. The question came up when the court reversed and remanded a suit brought by Mrs. Etta Ammons, white, against Lieut. Gov. Dennis Murphee for $40,000 damages on an allegation that a Negro porter was allowed to occupy an upper berth above her on a train in 1933.

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JUN 6 1941

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sitting down or lying down. The statute requires separate accommodations for white and Negro passengers."

30-1941
Pittsburgh Courier
Pittsburgh, Pa.

MISSOURI

SUES RAILROAD FOR EJECTION FROM PULLMAN

MAR 15 1941

ST. LOUIS, March 13—Suit was filed last week in St. Louis Circuit Court by Attorneys Henry D. Espy and Sidney R. Redmond seeking $15,000 damages from the St. Louis and Southwestern Railroad, better known as the Cotton Belt Line, as the aftermath of the reported ejection, last summer, of John W. Evans, principal of the Lincoln school, from a Pullman coach of the company while en route to the American Teachers' Association meeting at Pine Bluff, Arkansas.

Principal Evans, one of the outstanding educators of the country, was one of eight men honored last year by the American Teachers' Associatior for having given 35 years or more of service to the cause of education.

AROUSED FROM SLEEP

In his suit, it is set forth that Evans purchased first class passage to Pine Bluff on July 22, 1940, paying $17.45 round trip fare and $3.15 for a lower berth. The train left St. Louis shortly before midnight. Then, about 3:50 A. M., he was aroused from his berth, ordered to dress and go into a car reserved for colored, generally known as the Jim Crow car.

That was just a short distance from the Missouri-Arkansas state line, near Campbell, Mo., and Principal Evans let it be known that if he left the Pullman that it was only under protest. He stated that he was ill and that he needed the Pullman accommodation in order to attend the meeting of a group with which he had been active for so many years, and which meant so much to him.

MAR 15 1941

The ejection from the car, which he described as being done in a frightful manner, and the subsequent ride in the dilapidated, cold coach, which had no comfortable place for sleeping, resulted in further aggravation of an illness from which he was suffering and also in addition medical attention being required.

In discussing the Arkansas state law which calls for the separation of passengers, Principal Evans points out that other Negroes, especially from the East, rode in and out of Pine Bluff on Pullman tickets and that the refusal to permit him to use the extra fare passage which he had secured in St. Louis before leaving, from Campbell into Pine Bluff, was the equivalent of denying him his rights as an American citizen.

MAR 15 1941

Evans is seeking $5,000 actual and $10,000 punitive damages.

Protest Jim-Crow Signs On Missouri Pacific R.R. Cars

FEB 1 1941 FEB 1 1941

ST. LOUIS, Jan. 30.—Two jim crow actions of much importance in the state of Missouri came in for a bludgeoning and decisive condemnation at the January meeting of the St. Louis branch of the National Association for the Advancement of Colored People here last week.

One of these was the passage of a resolution opposing the creation of the $65,000 jim crow School of Journalism for Lincoln University, a measure introduced in the state assembly recently in an effort to prevent Negroes from attending the famous School of Journalism at the University of Missouri, an institution rated as outstanding in its training for newspaper work. The St. Louis branch, it will be recalled, with the Kansas City branch is backing the fight of Miss Lucille Bluford, honor journalism graduate of the University of Kansas and editor of the Kansas City Call to enroll in her own state school for further training in her specialty.

The other act came when a resolution was passed asking Negroes to effectively protest the attitude of the Missouri Pacific in permitting jim crow signs to remain in the first passenger coaches on their south and north bound trains while in the state of Missouri by letting their patronage reflect their attitude. Immediate removal of the obnoxious signs is the objective.

Attorney S. R. Redmond, president of the local branch, in discussing the signs asserted that the Missouri Pacific, although contacted on the matter, has persisted in displaying the "FOR COLORED" signs in the front coach and that Missouri Pacific officials have refused to do anything about it, stating that the signs are placed there for the convenience of their colored patrons and that these patrons highly appreciate the signs.

The Public Service Commission of Missouri, appealed to by the NAACP, has refused to take any action. The Missouri commission bases its refusal on the grounds that, although the state has no laws approving jim crowing on the trains within the state of Missouri that the Missouri Pacific trains, travelling from state to state, come within the jurisdiction of the Interstate Commerce commission.

Other features of the meeting included a report by Arnold Walker, industrial secretary of the Ur-

ban League on the status of jobs for Negroes in defense industries; by Fred Jones of the unbelievably unhealthful, insanitary conditions prevailing in the area surrounding the site of the current low cost housing project; a resume by Elmer Mosee on obstacles facing Negroes desiring to enter the armed forces and a discussion of the poll being made as to whether or not Vashon High School should be converted into a vocational or technical school.

Pittsburgh Courier
Pittsburgh, Pa.

CNO Charges Bus Line With Move To Weaken Fight

PINE BLUFF, Ark., Aug. 7—In an obvious effort to frustrate the attempt of the Committee on Negro Organization, in its fight for equal facilities and accommodations in the Warren bus station, T. D. Moss, assistant general passenger agent of the Misosuri Pacific Transportation company, agreed to the appointment of a Negro commission agent to handle the sale of tickets for the company at Warren.

Moss conferred with W. Harold Flowers, CNO secretary and well-known Pine Bluff attorney, concerning a complaint recently filed with the Arkansas Corporation Commission, alleging inadequate facilities for Negro bus patrons in the Warren bus station.

Declaring that he was interested in improving conditions, Moss requested an extension of time for the purpose of making the necessary improvements, and said that he would "be glad to appoint Negro commission agents at Warren or anywhere else, to handle our business, if they would provide the waiting room facilities for bus patrons."

COMPANIES SEEKING TO WEAKEN FORCES

A definite effort is being made through agents of the Missouri Pacific to weaken the forces of the CNO in the Warren community. Bruce Shropshire, Negro representative of the company, discussed at length the question with Dr. H. H. Rhinehart, chairman of the executive board of the Warren N.A.A.C.P., in an effort to persuade the group to withdraw the complaint filed by the CNO.

FLOWERS ANNOUNCES DRIVE FOR MEMBERS

Flowers announced immediately following the conference with bus officials, that a 15-day drive for new members would be conducted in Bradley County during the first half of August, for the purpose of rallying local support in the prosecution of the fight for equal accommodations at the Warren station.

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Tribune
Philadelphia, Pa.

Woman Forced To Stand In Bus To Let Whites Sit

MAR 20 1941

NEW YORK, (ANP)—That a white driver on the Washington to Portsmouth, Va., run compelled her to leave her seat to permit two white men to sit down while she stood up was substantially the complaint filed this week with the Greyhound Bus company, by Mrs. Fay Butler, an elderly woman of this city.

Around the middle of February, according to Mrs. Butler, she left Washington for a visit with relatives in Portsmouth. Just outside Washington, she charges, the bus took on two white male passengers. At the time, Mrs. Butler was occupying one of the double seats in the rear of the bus. All other seats were occupied. Observing this condition, she alleges, the bus driver ordered her to give up her seat in order that the men might sit.

When asked by her where she was to sit, the driver is supposed to have told her to sit in the back cross seat, which already was crowded with eight persons, or else she could stand up "since there is plenty of room." She says she had to accept this latter alternative.

MAR 20 1941

Returning to Washington three weeks later, Mrs. Butler says she complained to the Greyhound officers there in a written statement in which she asked for a refund of her money for the trip, $3.70. The company promised to investigate.

Mrs. Butler, a grey-haired, slight, retiring woman, also filed complaint here where she was told the matter would be "looked into." An independent check with the Greyhound company office revealed that no complaint had yet been made by Mrs Butler. It was said, however, that under the circumstances outlined by this reporter, the matter would not be handled in New York but rather in Washington, the terminal from which Mrs. Butler started.

MAR 21 1941

Journal and Guide
Norfolk, Virginia

Woman Forced To Stand On Bus Trip To Portsmouth While White Men Sit

MAR 22 1941

NEW YORK, N. Y. — That a white driver on the Washington to Portsmouth, Va., run compelled her to leave her seat to permit two white men to sit down while she stood up was substantially the complaint filed this week with a bus company by Mrs. Fay Butler, an elderly woman of this city.

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HAD TO STAND

MAR 22 1941

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NEW YORK

Chicago Bee
Chicago, Illinois

Elderly Woman Forced To Stand So White Men Can Sit

MAR 23 1941

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Attack Pickets Protesting Luna Park Jim Crow

JAN 4 1941

A picket line of 70 young people in front of Luna Park, Coney Island, in protest against the refusal of Park officials to admit Negroes to its concessions was broken up by Luna Park private detectives Friday night.

Thousands of persons saw the action. The picketing was conducted by the Inter-Club Youth Council of Coney Island.

Luna Park opened Thursday with an "Aid to Britain" rally. Negroes were barred.

New York ~~Age~~
New York, N. Y.

Pennsylvania Railroad Denies It Starts Jim Crow Cars Out Of New York Station

Colored passengers leaving New York for the South, especially on the new streamlined trains with reserved coach seats, are not "forced to accept" seats in the coach which becomes a jim crow car as soon as the train leaves Washington, D. C.

This was the assertion of C. G. Pennington, general passenger agent of the Pennsylvania railroad in reply to many inquiries and complaints made to him by the N. A. A. C. P.

NOV 8 1941

Mr. Pennington stated that ticket agents at the Pennsylvania station here (which handles all traffic out of New York for the Southeastern states) were instructed to explain to a colored purchaser that if he did not buy a seat in Coach No. 1 (on most of the reserved-seat trains, the jim crow coach is usually No. 1) he would have to change at Washington.

"Once this is explained," Mr. Pennington said, "the passenger may or may not choose to buy a seat in that coach. If he buys outside that coach he must change at Washington because beginning at the Virginia line, the state segregation laws go into effect."

Numerous complaints were made to the N. A. A. C. P. that colored passengers were automatically sold seats in the jim crow car out of New York City, and this practice was vigorously protested by the association to the Pennsylvania railroad. It is reported that the same system is used on colored passengers on through trains to the South out of Chicago and Detroit.

Durham, N. C., Morning Herald
June 12, 1941

Negroes Seeking Main Street Entrance To New Bus Station

Durham Committee On Negro Affairs Promised Hearing By Utilities Commissioner Stanley Winborne—Two Concessions Have Already Been Granted

A protest has been entered by the Durham Committee on Negro Affairs against certain regulations and provisions made in the plans of the proposed new bus station to be erected at the corner of Main and Dillard Streets. Attorney M. Hugh Thompson is representative of the committee in its contentions before the North Carolina Utilities Commission, of which Stanley C. Winborne is chairman.

Three contentions were submitted in the original protest. Prior to the protest there was no lounge room for Negro women as compared to that provided for the white women. The plans were re-drawn to meet this condition, according to Attorney Thompson, yesterday.

There was no dining room provided for Negroes comparable to the one planned for white persons. The contention of the local committee was heard and a dining room was provided by George D. Johnson, manager of the Carolina Coach Company.

The third contention by the committee is being made in regard to the fact that the Negro entrance has been planned on Dillard Street, while the white entrance is planned for Main Street.

Members of the committee through their attorney contend that making separate entrances on different streets is contrary to the principles of segregation. Thompson cited the fact that the Union Railway Station has entrances for both races from the same street. Contention is further made that the garbage from the kitchen is scheduled to come out on the Dillard Street side, while not in close proximity to the Negro entrance, it is on the same street.

Citing the United States Supreme Court decision in the case of Arthur Mitchell, Negro Congressman, in regard to being refused Pullman passage at Little Rock, Ark., Thompson stated that the Supreme Court ruled in favor of Congressman Mitchell in that "he had the right to equal facilities to be provided by the carrier."

Thompson stated that the Negroes were not being unfair in their contention in that they did not ask for a barber shop, or a news stand, both of which have been provided for the white people. He stated that the traveling Negro public did not justify these requests.

A letter from Chairman Winborne has promised the Negro committee a hearing in the near future, according to Thompson.

Raleigh, N. C. News & Observer
June 17, 1941

NEGROES PETITION FOR EQUAL RIGHTS

Durham Committee Asks For Better Negro Entrance to New Bus Station

The Durham Committee on Negro Affairs at a hearing before the State Utilities Commission yesterday charged that a separate entrance for Negroes as proposed in plans for a new bus station in Durham would result in "unjust and illegal race discrimination" and requested that the commission order a change in the plans.

M. Hugh Thompson, attorney for he Durham committee, asserted that Dillard Street, on which the Negro entrance fronts, is a side street used for the removal of garbage, and is much narrower and less convenient than Main Street, the proposed entrance for white customers.

"We Negroes accept segregation," he told the commission, "but the Dillard Street accommodations are unreasonable and discriminatory. The courts recognize segregation but require 'equal facilities.'"

He quoted court decisions requiring equal pay for white and Negro teachers, equal accommodations for white and Negro school children, and equal facilities in railroad transportation.

W. R. Johnson of Raleigh, representative from the State Board of Charities and Public Welfare on the North Carolina Interracial Committee, supported the Durham Negroes' contentions and added that his committee would "follow this matter throughout the State."

Attorney Arch T. Allen for the Carolina Coach Company maintained that the side street entrance for Negroes involved no discrimination or inconvenience. Architects for the company estimated that it would cost $3,000 to make the change requested by the Negroes and said that a Negro entrance on Main Street would result in much loss of floor space.

Dean James T. Taylor of the North Carolina College for Negroes, chairman of the Durham committee, emphasized the "moral aspects" of the case, asserting that "if we're going to fight for democracy, we would like to experience it."

After the hearing, the Utilities Commission investigated the two streets and found a difference in width of 12 feet. Commissioner Stanley Winborne commented that "the issue is whether or not the side street entrances has disadvantages." No decision was rendered.

Jacksonville, Fla., Times-Union
November 12, 1941

Angler Finds Negro's Head

Sheriff's Officers Probe Gruesome Discovery.

The head of a negro, placed in a large glass jar of preservative fluid was found yesterday morning by N. L. Sellers, 3923 1-2 Springfield Boulevard, in the woods about 20 feet of the Bayshore Road.

Investigating officers said it rolled out of a carton when Sellers kicked the cardboard container while walking in the woods along the Bayshore Road about two and one-half miles from Main Street.

Officers said the head was fairly well preserved in a jar of fluid, possibly embalming fluid, and apparently was that of a negro between 45 and 50 years old. They said it had been cleanly severed.

Sellers was on a fishing trip with A. J. Sellers Jr., 1448 Wolfe Street, and Rufus Mizell, 1916 Pearl Street. When he made the discovery. Sellers immediately reported to authorities. Deputies Sheriff Marvin Fraser and R. G. Barker and Road Patrolman Stanley Lee made the investigation, Deputy Barker said the jar apparently had been in the woods for some time. The officers took it to a negro undertaking establishment and called the county medical examiner, to make an examination. There was nothing to indicate how or when the head was placed in the woods, it was stated. Efforts will be made to identify the negro, officers said. Deputy Barker said the head was in a sufficient state of preservation that identification could be made by anyone who knew the negro prior to his death.

The gruesome find was viewed by Justice of the Peace Clyatt C. Broward, who ordered it taken to Pratt's Funeral Home.

Asheville N. C. Citizen
November 9, 1941

TWO CONVICTED FOR VIOLATING 'JIM CROW' LAW

Two negro girls were convicted in police court yesterday of violating the "Jim Crow" law and were sentenced to serve 30 days each in the county jail. They were Edna Rogers, 225 Asheland avenue, and Gaynell Guest, 44 McDowell street.

H. G. Miller, operator of the bus, told the court that they took the third seats from the front with eight vacant seats at the rear of the bus and refused to move.

Judge Sam M. Cathey, in passing sentence, observed that it is as important for white persons to fill up the bus from the front as it is for negro passengers to be seated from the rear toward the front, in order to observe the law.

Argus
St. Louis, Missouri

30-1941

OHIO

Cincinnati Theatres Lower Jim-Crow Bars

CINCINNATI, O., June 19.—The Cincinnati branch of the N. A. A. C. P. won a smashing victory when it forced the RKO Midwest Theatre Corporation, owning and controlling the majority of the fashionable motion picture houses in Cincinnati, to open [illegible] and admit colored patrons on the same conditions and terms applicable to all citizens regardless of race, color or creed.

The local branch, headed by its president, Att'y William A. McClain, launched a campaign against this theatre corporation one year ago. With the cooperation of several interracial groups, civil rights cases were filed by the association, and theatre excursions were made continuously against RKO theatres.

Realizing that it would be wiser to quietly open the doors of the theatres rather than be harassed [illegible] continuous law suits, the managements and the association arranged a conference at which all matters were discussed. The result of this conference was the nullification of the age-old policy of excluding sepias. Colored patrons may now attend theatres in Cincinnati, and occupy seats on the same conditions and terms as all other patrons.

Amsterdam News
New York. N. Y.

COURT ACTION TO BE STARTED

MAY 24 941

First Federal Court Case Since Mitchell Decision Looms

OKLAHOMA CITY, Okla. (ANP)—The Santa Fe Railroad ticket office here refused to permit Capt. Raymond Watkins to purchase and secure a ticket for a lower berth in a Pullman car Friday.

Capt. Watkins, stationed at Fort Sill, Okla., had previously telephoned the ticket office and had received assurances of a lower berth on the 10 p. m. train. He was ordering the accommodations for Mrs. Watkins and their four-year-old son who had been visiting with him for the past two weeks. When Capt. Watkins arrived in Oklahoma City and appeared at the ticket window, the agent asked him if he was colored. Upon receiving an affirmative answer the agent flatly refused to deliver the ticket.

The captain then asked for a stateroom on the train but this was also refused by the agent. Mrs. Watkins then motored to Langston university, 45 miles away, where she remained overnight with friends and caught the morning airplane at Tulsa.

Capt. Watkins engaged the law firm of Bruce and Rowan in Oklahoma City to file a damage suit against the railroad in the federal court of that city. This will probably be the first case to be tried in the federal courts under the recent supreme court ruling granting Negroes equal accommodations.

The Plaindealer
Kansas City, Kan.

DENIED PULLMAN SERVICE IN OKLAHOMA

OKLAHOMA CITY, Okla., July 25 (ANP) — Capt. Raymond Watkins of Chicago, an officer in the 184th Field Artillery of Fort Custer, Mich., but who has been studying at Fort Sill artillery school near here, filed suit for $10,000 in the federal court against the Sante Fe Railway Co., Tuesday. Capt. Watkins charked the railway company with denying him and his wife, Mrs. Elizabeth Wat from Oklahoma City to Chicago May 14.

JUL 25 1941

The bill for Capt. and Mrs. Watkins charges that they were denied tickets by the Santa Fe agent, calling for first class accommodations, solely because they are Negroes and asks $10,000 damages on that account. kins, lower berth accommodations The state of Oklahoma has a Jim Crow car law passed in 1908, requiring separate accommodations for Negroes. Since that time it has been one of the meaner states in the union insofar as securing decent travel accommodations is concerned. Mrs. Watkins was forced to take a plane from Oklahoma to Chicago to avoid being forced into inferior accommodations.

JUL 2 5 1941

The Santa Fe Railway, here and at other points, has during recent years showed a tendency to deny colored passengers first class service. Frequently passengers en route to California are told they cannot secure Pullmans if passing through Oklahoma.

Amsterdam News
New York, N. Y.

Army Officer Sues Railroad

Charges Sante Fe Line Denied Him Accommodations

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JUL 26 1941

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Negro Labor News
Houston, Texas

CHICAGOANS SUE SANTE FE; DENIED FIRST CLASS SEATS

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JUL 26 1941

Kansas City Call
Kansas City, Mo.

Contract Violated By Frisco

Official Rude To Jane Hunter Of Cleveland

OKLAHOMA CITY, Okla.—Packed in like sardines and standing up in the aisles of the coaches, eastern delegates attending the National Association of Colored Women left Oklahoma Saturday afternoon in Frisco coaches uttering all sorts of uncomplimentary expressions regarding the brutal treatment accorded them.

"We came down here in four coaches and now they are returning us in a car and one half," declared Mrs. Annette H. Officer, St. Louis, regional transportation chairman of the federation.

"Besides this they promised us air-conditioned coaches if we used the Frisco. If we had six coaches going back they would still have violated their contract," declared the outraged woman, who said that L. M. Cannon, city traffic manager, had been very insulting in his conduct and the language used in discussing the matter.

Reservations for 100

Mrs. Officer said that she told the Frisco agent Friday that she would have 50 or 60 going back Saturday afternoon, but that early Saturday morning at 10 o'clock she revamped her order, stating to the Frisco officials she would have 100 in the party.

"This Mr. Cannon said when I came down to the station he did not get the word in time and that nothing could be done about additional coaches," said Mrs. Officer

"On the other hand, that conductor standing down there told Mr. Cannon in my presence that there was an air-conditioned car in the yards, but Cannon quickly told the conductor he was holding it for some other party.

"He finally did call Tulsa and Springfield, but later told me, 'I can't be bothered about this'."

When the Black Dispatch representat[illegible] arrived at the depot there were fully 25 or 30 of the delegates standing on the platform with all of the seats taken in the coaches. One of the coaches assigned was half baggage, so that the delegates were confined to one and one-half coaches.

R. O. Hopkins, Frisco agent, who works under Cannon's supervision, when approached, stated he would do all in his power to see that the delegates left the city as comfortable as possible, and even the conductor when approached said "it's a damn shame," but Cannon, who apparently was the superior official and the one to make decisions, assumed an entirely different attitude.

Insults Jane Hunter

When Miss Jane Hunter, of the Phyllis Wheatley Home, Cleveland, Ohio, touched him on the arm as he descended from the hot coach, where the delegates sat like sardines perspiring, Cannon snatched away with rude exclamation, "Look out, don't catch hold of me."

"I was only attempting to attract his attention so that I could find out what to do," said Miss Hunter. "I had no thought of catching hold of the man."

It was plain that Mr. Hopkins was pleading and endeavoring to get Cannon to do something about the dilemma, for he followed him

about obviously insisting that something be done. The two finally rushed from the platform out to the depot and when they returned Cannon announced that those on the platform would have to crowd in the coaches and that when they arrived in the Frisco yards a mile away another coach would be attached.

As Cannon left the coach he was muttering something, and Jimmy Taylor, business manager, Langston university, approached him, asking what he said:

'Can Go or Stay'

"They can stay here or go so far as I am concerned. That's what I said," said Cannon.

Mrs. Officer, who had charge of the arrangements for travel, went into her bag and produced a folder printed by the Frisco Company especially for the club women's convention offering comfortable, air-conditioned cars.

"It's the most shameful thing I know of," declared Mrs. Officer. "To think that this company would take our money, tell us they would give us air-conditioned chair cars and then when they get us down here cram us into these old straight-back coaches and ship us out like hogs."

Black Dispatch
Oklahoma City, Okla

"Booster Club" Claims Negro Treatment Report Grossly Over Drawn

OCT 11 1941

Claim That National Federation of Colored Women Were Not Insulted

Protests Still Pouring In

Protests continue to pour into the Frisco Railway in connection with the insulting treatment accorded women of the nation August 1st, when a large delegation from the Eastern section of the United States were denied the accomodations promised by the company, when leaving Oklahoma City for their homes.

Renewed efforts to do something about the matter developed recently when it was discovered the "Booster's Club," a Frisco affiliate which investigates and seeks to adjust differences between the Frisco and the traveling public, had communicated with a number of Frisco porters stating the report of mistreatments of prominent Negro women at Oklahoma City by Frisco officials was grossly over drawn, and in many respects untrue.

Despite the fact that Mrs. J. H. Officer, transportation representative of the National Association of Colored Women, and in charge of the train where the trouble developed, had written an extended letter regarding the insulting attitude of the Oklahoma City Frisco official, and has asked for his dismissal, the rumor still persists in Frisco circles that the Negro women attending the Federation were not insulted.

Perhaps the most graphic account of what happened at the Frisco, August 1st has been written by Mrs. Omega V. Nelson, President of the New Jersey Federation to J. H. Koontz, St. Louis, and Vice President and General Passenger Agent of the Frisco Railroad.

OCT 11 1941

Writing from Salem New Jersey under date of September 30th Mrs. Mason completely upsets the charge of the official connected with the Booster's club that the news stories pulished in Negro papers regarding the unfortunate incident were untrue.

Mrs. Mason's letter to Mr. Koontz follows:

My dear Mr. Koontz:

Illness has prevented my writting you this letter of information and protest of accomodations and courtesy accorded the Women of the National Association of Colored Women on their return from Oklahoma City in July, from the Convention. Although the incident is nearly two months old, it is still very fresh in the mind of the women.

Believing the policy of the railroad is to be accomodating and courteous to all passengers, I feel you should know the facts, especiall when definite arrangements were promised us and which we did not receive.

When I arrived at the station on Friday afternoon, August first, there were fifty or more women on the platform, because the coaches provided were packed and jammed. I did not enter the second coach, but I did go in the first one, in which the women were herded like cattle and luggage piled almost to the roof of the coach. This coach was not air conditioned, neither did it contain reclining seats. I approached Mrs. Officer, who was in charge of transportation, to learn why more coaches were not provided, and as I had made reservations Thursday morning. She stated on Thursday she informed the Oklahoma City Frisco Railroad representative that fifty-three women had made reservation and phoned him early Friday morning that one hundred more were leaving that afternoon.

I was with her when she talked to your representative. who was most discourteous and declared he would not give us another coach and we could either accept what he had or stay over. From his attitude he didn't care what we did. He stated he had an air conditioned coach in the yards which he was holding for the next day. Several business men of Oklahoma City were present, who also approached him and the conductor, asking for another coach. I stated to the conductor that I had a round trip ticket and if there was an available seat on the train, regardless of where it was, I intended to take it.

Finally after much bickering, your representative consented and stated another coach would be attached about a mile down in the yards. When the train left the station, women were packed in the coaches and on the platform. I was one who rode on platform to the yards.

After the coach was put on, it was quickly filled but many of the women were forced to ride all night to St. Louis in the uncomfortable straight seat coach.

These facts can be verified by all of the women who were aboard.

30-1941

SOUTH CAROLINA

Pittsburgh Courier
Pittsburgh, Pa.

Taxis Instead Of Buses To Get Around South's Jim-Crow

CAMP CROFT, S. C., May 15—Some may call it madness, others may call it love, but the men of the 50th Training Battalion at this post feel they are getting a taste of the army New Deal in the special orders which give them the privilege of using taxicabs, to and from the town of Spartanburg. They are the only outfit on the post allowed to use taxicabs. All the other outfits are white.

General Oscar Griswold, commanding, first issued an order, directing all soldiers not to use taxicabs because of several incidents which had occurred. That forced the soldiers to use buses. But, this being the South, the colored soldiers got the run-around. They had to take the last seats in the last buses.

So Col. John C. Newton, commanding officer of the 50th Training Battalion, reported the situation to General Griswold. He thereupon issued the special taxicab order for the men of the 50th.

Journal and Guide
Norfolk, Virginia

Object to Colored In S. C. Theatre

SPARTANBURG, S. C.—Repercussions of the northern - colored - soldier- sent south problem hit the council here last week with the opening of the $65,000 Palmetto Theatre. A petition bearing 500 names, submitted to the city council, protested the use of the theatre balcony by colored patrons.

SEP 6 1941

At Camp Croft here and other Dixie area military posts, separate theatres are provided for white and colored soldiers, although most of them come from the north.

"Down south, we do as the southerners do, no matter," one army official said. "Takes more theatres, but we run less risk of trouble."

City Manager Robert Talbert said agitation against use of the balcony by colored was caused by misuse of one word, "alongside," in newspapers, and that 1,500 colored persons attended the theatre the week it was opened with no trouble.

SEP 6 1941

Newspapermen, visiting the theatre, report that patrons of the two races are seated ten feet apart in the balcony.

Talbert also stated that colored patrons had been sold separate section balcony seats at the Carolina, the chain's top local house, for several years with no trouble. The State and Strand Theatres have no seats for colored.

The Plaindealer
Kansas City, Kan.

Claim Tenn. Man Violated Jim Crow Law

JAN 31 1941

MEMPHIS.—With pert retort, Rufus Lowe, 26-year-old houseboy, said in City Court Thursday, "I paid my seven cents, I can ride anywhere on this bus I want to," witnesses quoted Lowe as saying when he refused to abandon a front seat in a Poplar Inbody bus Wednesday.

Officers, prosecuting charges of violating the Jim Crow law, disturbing the peace and drunkenness, testified he dared the bus operator to call the police when the operator ordered Lowe to move to the back, which was unoccupied.

"Is that right, boy," Judge Bateman asked.

"No, Judge," he said. "I was sitting in a warm seat and didn't want to move because there wasn't but two other passengers in the bus." He was held to the state on the Jim Crow law charge, fined $11 on the drunkenness charged and disturbing the peace charge was dismissed.

Knoxville, Tenn., Journal
August 14, 1941

'Jim Crow' Altercation Results In Fines

Five-dollar fines against James Parker, 2510 North Broadway, and a young Negro, Momill Woods, were levied in City Court Tuesday as a result of a fight on a Fountain City bus last Saturday.

Parker said the Negro sat down beside him when there were "several vacant seats in the back."

"I pushed him out of the seat, and he started to fight," Parker said.

"The Negro submitted to fighting, and you admit you hit him first," said Judge Bob Williams. "I'll just have to fine you both."

30-1941

TEXAS

Afro-American
Baltimore, Maryland

A New Type of Pullman Jim Crow

(AN EDITORIAL)

Two delegates to the recent N.A.A.C.P. conference in Houston, Texas, were ousted four hours out of Houston, from the open car in which Pullman passengers ride when they are not asleep and were assigned to a drawing room until they reached their destination.

JUL 19 1941

Roy Wilkins, vice president and editor of the association's mouthpiece, The Crisis, and N.A.A.C.P. attorneys declare that this action of the Missouri Pacific railroad did not constitute jim-crowing but rather a transfer to better quarters.

We don't agree. The two delegates paid for passage to Houston in lower berths when asleep and in the open Pullman car when awake. If they had wanted drawing room accommodations, they would have asked for them.

JUL 19 1941

To us, this is another type of jim crow, although not as vicious. Instead of relegating colored passengers to a dirty, third class, jim-crow car, it moves them to an enclosed drawing room where they can't be viewed by other passengers. If this isn't jim crow, we'd like a better word for it.

Journal and Guide
Norfolk, Virginia

Case Against Bus Passenger Is Dismissed

Judge Hopes For Continued Race Relations

MAR 22 1941

ROANOKE, Va.—Tension created in Roanoke last month when a colored woman passenger on a bus of the Roanoke Ralway and Electric Company was badly beaten up and thrown off the vehicle by the bus driver, appears to have been eased without any serious harm to the friendly relations existing between the two races here.

Charges of disorderly conduct and violation of Chapter 72, section 5 of the city ordinance requiring bus passengers to occupy seats assigned by the driver, lodged against Mrs. Sarah Craig of East Gregory Avenue, were dismissed by Police Justice Harris B. Birchfield. Both Mrs. Craig and the operator, Andrew Buzik, were reprimanded for improper conduct growing out of the incident by Judge Birchfield.

Mrs. Craig, who was represented by J. Henry Clayton who was retained by the local chapter of the NAACP, and Ralph Glasgow, testified that Buzik beat her and dragged her from the bus without provocation. Buzik told the court that Mrs. Craig boarded the Franklin Road—Northeast bus at Luck Avenue and Commerce Street and took a seat more than half way toward the front of the vehicle, although seats were available in the rear.

TURNED OVER TO POLICE

At his resquest, Buzik testified, Mrs. Craig moved to the rear but cursed him, adding that a few blocks further on she moved to the center of the bus when the white section was not occupied and cursed him again. He said that when he came back to her seat she kicked him several times. It was then that he struck her, he said, removed her from the bus and turned her over to the police. MAR 22 1941

Mrs. Craig denied the charges but admitted that she did say something to herself about the driver making her mad. In making his decision Judge Birchfield held that both the principals were at fault but added that Buzik violated definite company instructions in striking Mrs. Craig.

FRIENDLY RELATIONS CITED

Explaining he had consulted members of the colored bar association, other lawyers and city officials in reaching the best decision, Judge Birchfield said the group decided after careful consideration of all the circumstances that Mrs. Craig was at fault and the bus driver very much at fault.

He referred to the good relations among colored and white people here furthered by intelligent cooperation of leaders of the colored people and expressed the hope that the disposition of the case would obviate any potential breach or ill feeling over the incident.

afro-American
Baltimore, Maryland

Va. Bus Jim Crow Still Holds Despite Ruling

MAY 1 1941

ARLINGTON, Va.—The fight to end the South's jim-crow carrier laws broke out on a new front on Wednesday as Miss Natalie Moorman of 2501 South Second Street, was fined $5 and costs by Judge B. M. Hedrick on charges of refusing to give up her seat in a section of a Washington-Fairfax, Va., bus reserved for white passengers.

According to her own testimony and that of the bus driver, Miss Moorman boarded the bus on April 12 at Rosslyn, Va., and occupied a seat near the front of the vehicle.

When requested to move to the rear of the bus by the driver, it was testified, Miss Moorman refused to do so and suggested that he call an officer.

Claims Right to Seat

Following arrival of Police Sergeant W. Miller, Miss Moorman persisted in her refusal to give up her seat, contending that she was within her rights in doing so, and her arrest followed.

On Wednesday, Miss Moorman, represented by Charles H. Houston, NAACP attorney, was tried before Judge B. M. Hedrick of the Arlington County Court.

Defense and Commonwealth testimony clashed on what was considered one of the salient points of the case, the question of whether the bus driver or the arresting officer had offered Miss Moorman another seat on the bus.

Both Commonwealth witnesses testified that they had requested a white passenger to move from one of the rear seats and exchange places with Miss Moorman.

This testimony was flatly contradicted by the defendant, who stated that at no time had she been offered any particular seat, but that she had simply been told that she would have to move to the rear of the bus.

The question of equality of accommodations between the front and rear sections of the bus was raised by the defense, but was not passed upon by the presiding judge.

Not Va. Law—Houston

Mr. Houston pointed out that the usual procedure of seating colored passengers from the rear was not dictated by Virginia law, but that it was a result of custom and usage.

This, he pointed out, was in violation of the Fourteenth Amendment in view of the inequity of accommodations in the front and rear sections of busses.

Judge Hedrick then declared his inability to pass upon this question and levied the $5 fine and informed the defense of its right to an appeal.

Attorney Houston declared his intention to file an appeal which may be heard after the circuit court convenes on June 9.

afro-American
Baltimore, Maryland
Tests Bus Jim Crow

MAY 7 1941

DR. CHARLES H. HOUSTON, NAACP attorney, representing Miss Natalie Marmion, who was arrested for allegedly refusing to give up her seat in a Virginia jim crow bus, is shown after he, Judge B. M. Hedrick of the Arlington County Court, and attorneys for the bus company and Commonwealth finished inspecting a bus similar to the one on which Miss Marmion was arrested.

Afro-American
Baltimore, Maryland

Defendant in Bus Case

Miss Natalie Marmion (right) is shown talking with her mother, Mrs. Alice Marmion, as the two left the Arlington County (Va.) courthouse on Wednesday following the daughter's trial on charges of violating Virginia's jim-crow bus laws.

Washington Tribune
Washington, D. C.

Maid Balks at Va. Bus Jim Crow; Nabbed

Because Mrs. Daisy Willett, 1400 block Half Street, Southwest, maid for John L. Lewis, refused to accept the Virginia jim crow law and move to the rear of a bus in Alexandria, Tuesday night she was arrested. Her hearing was continued Wednesday in Alexandria police court until next Friday.

An additional charge of disorderly conduct was eliminated after an examination of the evidence. Police said Mrs. Willett seated herself in the front section of the A.B. and W. bus line and refused to move to the rear when requested to do so by the bus driver.

An argument developed, climaxed by Mrs. Willett's arrest at Powhatan and Washington Streets, Alexandria. Later, she was released in the custody of CIO Chieftan Lewis.

Washington Post
Washington, D. C.

John L. Lewis' Maid Fined $5 on 'Jim Crow' Charge

Daisy Willett, 40, of Washington, a maid in the home of John L. Lewis, president of the United Mine Workers and former C. I. O. chieftain, was fined $5 and costs of $4.15 in Alexandria Police Court yesterday following conviction by Judge James R. Duncan on a complaint by the driver of a bus. The maid entered a plea of guilty to the charge that she refused to occupy a seat in the rear of the bus at the request of Driver George Daihr. She was removed from the bus near Lewis' home and taken to police headquarters.

Lewis was called at the time and appeared to headquarters to give his personal bond for her appearance in court on the "Jim Crow" charge.